

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01999/FUL Enborne Parish	29/11/24	Change of use of land to gypsy and traveller site – 1 pitch.  Mount Pleasant Farm, Enborne  Lance Hamblyn
<sup>1</sup> Extension of time agreed with applicant until 30 <sup>th</sup> May 2025			

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**Recommendation Summary:**

The Development Control Manager be authorised to GRANT conditional planning permission.

**Ward Member(s):**

Cllr Vickers  
Cllr Benneyworth  
Cllr Gaines

**Reason for Committee Determination:**

The Council has received in excess of 10 objections and the officer recommendation is to approve.

**Committee Site Visit:**

15<sup>th</sup> May 2025.

**Contact Officer Details**

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## **1. Introduction**

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the improvement of an existing access off Bell Hill in Enborne to serve the “Mount Pleasant” site a very small holding in the woodland off Bell Hill. This improved access in turn is to serve a new pitch for a mobile home for the occupation by a member of the gypsy and traveller community, with the siting in addition of one touring caravan, plus parking for 2 vehicles on site. If permission is granted it is proposed by the applicant to landscape the site in accordance with a scheme which has been submitted on the file.
- 1.3 The application site is presently a small holding. The Committee site visit will have shown that it comprises an ad hoc array of pens, small outbuildings for poultry and pigs etc. It is located in woodland which has a TPO around the site. There is an existing [but unused] access to be put back into use from the adjacent highway to the north i.e. Bell Hill. The application site lies in the countryside i.e. it lies outside any defined settlement boundary. A public right of way runs adjacent the site immediately to the south of the application site. There are no dwellings nearby.

### ***Caravan legislation***

- 1.4 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.
- 1.5 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
02/00268/ful	3 buildings for agricultural use	Approved 2003.
03/02055/ful	Toilet block and rest room.	Refused 2003.
04/00260/ful	Hay store and pig house	Refused 2004
22/02400/ful	Change of use of site to gypsy and traveller pitch.	Refused 2023.

2.2 The site has some additional planning history prior to 2000 in addition.

### 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. Site notice was displayed on the site with an expiry on the 5<sup>th</sup> November 2024. A public notice was displayed in the NWN on the 17<sup>th</sup> October 2024. In addition an amended plans [additional information] site notice was erected on the 2<sup>nd</sup> April 2025 with an expiry date of the 23<sup>rd</sup> April 2025. The Parish was also reconsulted.
- 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. See below.

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	No	No	
Developer Contributions (S106)	No	No	
Job Creation	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).
- 3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.6 **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.
- 3.7 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.

3.8 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. In this case the Committee is required to take into account the protected characteristic of the Gypsy and Traveller community in arriving at a decision on the application.

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 It is not considered by officers that should the Committee approve the application any external human rights would be interfered with, by dint of e.g. potential noise and disturbance and e.g. overlooking.

3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 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.

<b>Enborne Parish Council:</b>	<p>Strong objection to the application. The Parish already has enough gypsy and traveller sites, future potential expansion of the site, impact on character of the site, loss of trees, poor access. Lack of onsite facilities in addition, no need for an additional pitch on the application site, impact on prow. Future external lighting problems, poor drainage of the site, it is in an isolated location in addition.</p> <p>No response to further consultation on additional information supplied.</p>
<b>Tree officer.</b>	Conditional approval -conditions required to protect the woodland TPO on the application site. In addition has examined the submitted LVIA and is content with the details although recommends additional conditions .
<b>PROW</b>	<p>No objections – recommend informatives</p> <p>Enborne Footpath 9/3 runs through the site. The plans correctly show the Definitive (legal) line of the footpath, and the ‘walked’ line, which is different, possibly as a result of obstructions to the Definitive route.</p> <p>The Definitive line of the path should either remain or become unobstructed by these proposals, and must be suitable for public use. The path should be treated as 2 metres in width, and proposed site plan appears to accommodate both the line and width adequately.</p> <p>There should be no new structures erected along the footpath (e.g gates) without the prior consent of the Rights of Way Officer.</p>
<b>Council ecologist</b>	Conditional permission is recommended.
<b>WBC Highways:</b>	Conditional permission is recommended.
<b>SUDS</b>	Conditional approval.
<b>Planning policy</b>	The addition of one pitch would be beneficial in meeting the District need for further additional pitches in the new local plan period. However it is noted that at the present time with the approval of the single pitch recently at Abbotswood, there is still an assessed need for an additional 17 pitches to 2038. If this application is approved the need would then be reduced to 16 pitches.

## ***Public representations***

- 4.2 Representations have been received from 30 contributors, all of whom object to the scheme. 4 of these objections were received following the additional information consultation.
- 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:
- the application should not be approved
  - the site will expand if permitted
  - the access is poor and unsafe
  - the site has a history of anti-social behaviour
  - long planning history
  - impact on ecology and trees and the grow
  - very poor drainage of the site
  - no need for a pitch at this isolated location
  - local facilities on site are very poor
  - will lead to the further degradation of a pleasant site
  - too many gypsy plots already approved in the Parish, will be disruptive to the local community
  - Out of character with the area
  - Visual impact
  - Impact on trees in addition
  - Impact on local infrastructure
  - will set a further precedent for future development creep
  - Lack of on-site facilities

## **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 CS7, CS13, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - PPTS of December 2024

## ***Local Plan Review***

- 5.3 The Local Plan Review (2023-2041) is now at an advanced stages of preparation following the publication of the Examination Inspector's report on April 2025. Whilst they do not currently have full weight, regard has been given to the emerging policies in the Local Plan Review, in accordance with paragraph 49 of the NPPF. To the extent that they relate to this application, the emerging policies are generally consistent with the current development plan policies, and therefore do not materially alter the recommendation of this application prior to adoption of the LPR.
- 5.4 The following policies within the LPR are relevant to this application:
- Policies DM1, DM2, DM20 (this combines policy CS7 in the WBCS and policy TS3 in the HSADPD) and SP8.

## **6. Appraisal**

- 6.1 The main issues for consideration in this application are:

- Principle of the development
- Need and supply
- Character and appearance
- Highways
- Public Rights of Way

### ***Principle of development***

- 6.2 The Government has published an updated version of the PPTS in December 2024 as an adjunct to the revised NPPF. See para 5.8 below for an analysis of this in relation to need and supply. The Committee will need to be aware that the policies in the PPTS are generally permissive of new sites in the countryside if the location is not isolated and it does not lie in either the Green Belt or a National Designated Landscape, although they can still be permitted in these locations. The application site lies in neither of these designations.
- 6.3 In para 24 of the PPTS it is noted that in determining applications, local planning authorities should have regard to a number of criteria. The first is the existing level of provision. Whilst there are permitted sites in Enborne parish these are all occupied. Personal circumstances of the applicant have been requested by the officers and this information has been submitted. The Council officer is satisfied that the applicant is from the gypsy and traveller community. The next criterion refers to locally specific policies in the Council local plan and these are identified below in this report. It is concluded that the application complies with both policies CS7 and TS3. Finally, Councils should consider traveller applications from any Gypsy's, not just those with purely local links. It is not known if the applicant is local, but this clearly does not "matter" having regard to this policy criterion. In addition, if permission is granted the officers are not recommending a personal permission in any event.



6.4 Para 25 of the PPTS notes that local planning authorities should very strictly limit traveller sites in open countryside that are away from existing settlements. Clearly in this case the site is close to the settlement of Newbury the principal town in the District. Para 26 notes that local planning authorities should attach weight to the following issues when determining applications: effective use of brown field land. It is not accepted that the site is brownfield-it remains greenfield as it is in quasi agricultural use. This mitigates against the scheme. Secondly the site needs to be positively planned having regard to soft landscaping. This is possible on site with good natural screening already on the site which can be enhanced. Thirdly, healthy lifestyles should be promoted if possible-no play area is identified on the site but given the proximity to the woodland this is not considered a difficulty at all. Finally, the site should not be so enclosed as to give an impression of isolation from the local community. This is a neutral matter for the Committee to consider.

6.5 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;*

*b) Easy access to local services including a bus route, shops, schools and health services;*

6.6 Whilst there is no bus stop immediately outside the application site, it is noted that the site is well located within walking/cycling distance of local shopping facilities at Wash Common, in addition there are nearby schools [800m away or less]

*c) Located outside areas of high flooding risk;*

6.7 The site is also located outside a site of high flood risk. The LLFA have raised no objections subject to a condition requiring details of sustainable drainage.

*d) Provision for adequate on site facilities for parking, storage, play and residential amenity;*

6.8 There is sufficient space on site for parking and a child's play area if required.

*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;*

6.9 Adequate levels of privacy and residential amenity are achievable.

f) *Opportunities for an element of authorised mixed uses;*

6.10 No mixed/commercial uses are proposed, which is considered appropriate in this location.

g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*

6.11 With regards to the compatibility of the use in relation to its surroundings the officers consider that the introduction of the one mobile home here would not be harmful to character of the area in visual terms or through potential disturbance from vehicular movements, and on site business activities. Commercial uses will not be permitted in this location.

h) *Will not materially harm the physical and visual character of the area;*

6.12 The application site is not in an isolated or exposed location but will be well screened by existing mature vegetation, which in turn will be enhanced by the proposed landscaping scheme.

6.13 It is accordingly concluded that the scheme largely but not wholly, complies with policy CS7. This latter issue has effectively been confirmed by the submission of the LVIA which both the case officer and tree officer have examined in detail- both are content that with appropriate conditions the blanket TPO on site will not be harmed and any landscape harm arising can be satisfactorily mitigated.

6.14 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).*

6.15 This has not been provided as yet but can be conditioned as noted in the response from the LLFA. It is noted that the additional level of hardstanding proposed will be minor for the one mobile home and touring van -the car park can be a permeable surface.

*b) Incorporate appropriate vehicle access and turning space.*

6.16 Appropriate vehicle and turning space is provided on site.

- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- 6.17 The site is already contained by natural screening. The applicant has submitted an acceptable outline landscape scheme with the proposal, full details of landscaping can be conditioned. It is noted that the tree officer has raised no objections subject to a several conditions.
- 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.*
- 6.18 The site is well designed with the necessary shelter and amenity buildings.
- e) *Provide a mix of residential and business use where appropriate.*
- 6.19 No businesses uses are proposed, and this will be conditioned to ensure protection of local amenity.
- 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).*
- 6.20 No flood risk assessment has been submitted as this is not required for such a small site area as the site lies in flood zone 1 and is less than 1ha.
- 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.*
- 6.21 As regards a travel plan it is not believed that this is a necessary requirement for one family on 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.*
- 6.22 As regards walking routes there is a public right of way within a few metres of the site, and moving into Newbury footways about 200m distant.
- 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.*
- 6.23 The highways officer has confirmed that there are no highways /transport objections to the application.
- 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).*

6.24 Although a number of objections correspond to the lack of facilities and infrastructure in the area, it is not considered that the introduction of one family will seriously impact such facilities.

*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. This will inform the development design and layout of the site and requirements for green infrastructure.*

6.25 An LVIA has been submitted with the application, and this notes that the mobile home will be well screened by existing mature vegetation, which will be enhanced by the proposed landscape scheme. It also notes that any wider visual impact arising from the scheme will be limited.

*n) 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.*

*o) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*

6.26 As regards the ecological aspects of the scheme, a BNG assessment has been submitted and the Council ecologist is recommending conditional permission. It is noted that the application site whilst having a group TPO on the woodland is not a SSSI.

*p) Provide a design, layout and siting plan for the development.'*

6.27 Finally, an acceptable design and layout plan has been provided with the application submission.

### ***Emerging policies***

6.28 As the Committee Members will know the Inspector into the **Local Plan Review** has recently found it to be sound. The NPPF says the following in terms of giving weight to emerging plans in decision making:

*49. 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).*

6.29 Up until now, the weight officers have been able to give to policies in the emerging plan has generally been limited. Officers are now at a stage where increasing weight may be applied since the Inspector's report essentially

resolves outstanding objections (subject to recommended modifications) and reaffirms that the new policies are consistent with the NPPF. As such, the Committee can now apply the emerging policies significant weight.

- 6.30 The LPR includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. 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. Policy DM20 notes [inter alia] that permanent gypsy and traveller sites will be developed (c) on sites either in or well related to existing settlements, and (d) When in rural settings, ensuring the scale of the site(s) do not dominate the nearest settled community, whether singly or cumulatively with any other Gypsy and Traveller, and Travelling Showpeople sites. It goes on to state that isolated locations in the countryside should be avoided. Policy DM20 also reiterates the criteria contained in Policy TS3.
- 6.31 It is noted that the addition of one gypsy pitch will not dominate the nearest settled community and the site is just 200m away from the settlement boundary of Newbury, so the site is not considered to be in an isolated location.
- 6.32 Policy DM1 also applies, which sets out all the exceptions permissible for new residential development in the rural areas, this includes gypsy and traveller sites (criterion b).
- 6.33 Policy DM2 seeks to ensure the separation of settlements around Newbury and Thatcham and the maintenance of the separate identities of particular settlements around Newbury and Thatcham. The application site falls within the identified gap site between Newbury and Enborne Row/Wash Water. Policy DM2 states that development which would detract from the open or rural character of these gaps will not be permitted. In these areas development will only be permitted where it:
- i. Would not diminish the clear physical and visual separation between distinct settlements; and*
  - ii. Would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development.*
- 6.34 The supporting text to Policy DM2 notes that the identified gaps have not been specifically defined to protect landscape character, importantly they are not a local landscape designation. Rather they are a tool to prevent the coalescence of settlements in order to maintain their separate identity.
- 6.35 Officers consider that the proposed introduction of one caravan and pitch on this application site will not diminish the clear physical and visual separation between Newbury and Enborne Row/Wash Water. This is due to the enclosed and well screened nature of the site and the low-key scale of the proposal. To conclude the application complies with emerging policy DM2.

### ***Need and Supply***

- 6.36 The PPTS 2024 seeks to ensure sites are provided for the Gypsy and Traveller community, through a more inclusive definition change and by applying the tilted balance where the local planning authority cannot demonstrate an up-to-date 5

year supply of deliverable sites. The definition of Gypsies and Travellers has been amended in Annex 1 (insertion underlined) which is more inclusive, reflecting the accommodation needs of the travelling community:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

- 6.37 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. A Gypsy and Traveller Accommodation Assessment (GTAA) was last undertaken in 2021 to assess the level of need of the traveller community.
- 6.38 The submission version of the Local Plan Review (LPR) was submitted to the Secretary of State on 31st March 2023. The examination is complete, and the Local Plan Inspector's Report written. The Inspector was satisfied that the GTAA is proportionate, up to date and relevant. The Inspector, at paragraph 246 of the Report, has considered that the Plan does not identify sufficient sites to meet the full identified need, but is satisfied that there is a reasonable prospect of those needs being met from sites that have planning permission or others that will come forward as windfalls in the context of policy DM20.
- 6.39 The following table outlines the overall pitch requirement between 2021 and 2038, the pitches with planning permission, and the residual need to be met up to 2038.

**Table 7 Gypsy and Traveller accommodation**

Additional permanent pitches required 1 April 2021 to 31 March 2038	30
Additional permanent pitches provided 1 April 2021 to 31 March 2025	
<ul style="list-style-type: none"> <li>New Stocks Farm, <u>Paices Hill</u>, Aldermaston</li> </ul>	8
<ul style="list-style-type: none"> <li>Four Houses Corner, Padworth<sup>1</sup></li> </ul>	1
<ul style="list-style-type: none"> <li>Ermin Street, Lambourn Woodlands</li> </ul>	1
<ul style="list-style-type: none"> <li>Land at Wash Water, Enborne Row</li> </ul>	2
<ul style="list-style-type: none"> <li>Land south of <u>Abbottswood</u>, Newtown Road, Newbury</li> </ul>	1
Total pitches provided between 1 April 2021 and 1 <sup>st</sup> April 2025 <u>2025</u>	13
Permanent pitches required 1 April 2025 to 31 March 2038	17

<sup>1</sup> 1 pitch in addition to the 16 pitches already accounted for in the existing supply in the GTAA

- 6.40 This table does not break the need down further to the 5 year (short term) period (between 2021 and 2026) or the longer term period (between 2026 and 2038). The pitch requirement in the short term is 13 pitches, and 13 pitches have

planning permission. Thus, there is no shortfall in the short term, and the Council can demonstrate a 5 year supply of sites.

- 6.41 The outstanding requirement is 17 pitches up to 2038. There are no new sites identified in the Local Plan Review, aside from the site at New Stocks Farm, Paices Hill, Aldermaston which has been carried forward from the Housing Sites Allocation Development Plan Document and has planning permission (as outlined in the above table). For context there is a current appeal under consideration for 5 pitches on land south of Sandhill, Hermitage. The addition of one pitch, whilst small, would be of benefit in meeting the local identified need.
- 6.42 The GTAA will be updated further following the redevelopment of Four Houses Corner, to understand the current situation on need and supply, also taking into account the updated definition. This is an important evidence piece for the next Local Plan and for future windfall planning applications.
- 6.43 As the Council can demonstrate an up-to-date 5 year supply (the 5 year period is between 2021 and 2026) the provisions of paragraph 11d of the NPPF (i.e. the tilted balance) does not apply.

#### ***Landscape character and appearance***

- 6.44 Policy CS19 in the WBCS seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.45 The application site does not lie in any nationally designated or protected landscape such as the NWDNDL (formerly AONB). It does however form part of the landscape local designation Woodland and Heathland Mosaic (WH1), as identified in the West Berkshire Landscape Character Assessment of 2019.
- 6.46 WH1 covers Inkpen, Lower Green, Hamstead Marshall, Enborne and towards Enborne Row, skirting the western edge of Wash Common, Newbury. The LCA notes that the 'landscape has a coherent character, with a consistent framework provided by the strong structure of woodlands, hedgerows and trees. This creates a small scale, enclosed and intimate rural character. The tranquillity is enhanced by a lack of intrusion of modern life into the majority of the area'. There are a tight network of rural lanes and footpaths within this character area. Buildings are generally well integrated into their landscape context, due to the combination of wooded land cover and gently undulating landform.
- 6.47 This typifies the nature of the area around the application site, which forms an important visual buffer to the south western edge of Newbury town and the A34 bypass to the west. It is necessary therefore to conserve this inherent character where possible from inappropriate development.
- 6.48 In this case the level of new development is considered to be minimal and low key in the local context, with the siting of one mobile home plus one touring van. It is not in an isolated or exposed location but will be well screened by existing mature vegetation, which in turn will be enhanced by the proposed landscaping scheme to be conditioned if the scheme is approved. Clearly there will be a small degree of visual impact in the local street scene, given the opening up of the access as on the plans, and glimpsed views of the site through the trees

particularly during the winter months. But all the development is at single storey level (mobile homes are no more than 3.4m in height by statute).

- 6.49 In accordance with the requirements of Policy TS3 (and also Policy SP8 in the LPR), the application is supported by a well prepared and comprehensive LVIA. This LVIA concludes that proposal will not harm the wider landscape nature and value of the area nor the wider southern visual setting of Newbury at its southwest point. The case officer agrees with this conclusion as does the tree officer. Officers did not consider it necessary to appoint an independent landscape consultant to further assess this LVIA given that the application is for one pitch only and it is very well screened.

### **Highways**

- 6.50 The existing access into the site to the west is proposed to be used. The Highways officer has examined the submitted plans and is familiar with the site and the Enborne Road itself. To the east in the vision splay there is a slight rise in road levels whilst to the west the road slopes down. The visibility splays and the width of the access are all considered to be satisfactory for the projected level of highways movements from and to the site. Accordingly, it is considered that the scheme fully complies with policy CS13 of the WBCS.
- 6.51 In addition, parking on site needs to be taken into account, in order to ensure that there are no increased pressures on roadside parking which would be detrimental to local safety. It is clear from the block plan as submitted there is sufficient space on site to accommodate at least 2 parking spaces plus a turning area, which can all be conditioned along with one EV charging point. The scheme accordingly complies with policy P1 in the HSADPD of 2017.

### **Public Rights of Way**

- 6.52 A footpath runs adjacent the application site to the south. This is Enborne 9/3. However, the legal definitive line runs through the application site. This has not been formally diverted. Accordingly, the rights of way officer, whilst raising no objections to the proposal, has noted that if the application is approved no physical obstructions must be placed across the definitive route. At present the submitted plan shows no such obstruction. A condition is accordingly recommended to ensure this occurs. This is in accordance with the advice in policy CS18 which seeks to protect [inter alia] public rights of way.

### **Other matters**

- 6.53 Officers believe it to be necessary in this case which has proved controversial locally to note a number of the conditions recommended in order to ensure that if the application is approved it will be strictly controlled. For clarity the permission will only relate to gypsy accommodation, it will be limited to one pitch only and no commercial use will be permitted. In addition, the footpath crossing the site will be protected, and so will ecological matters. A condition is recommended removing permitted development rights for fencing and other enclosures. These are all in addition to the other standard conditions to be applied.



## 7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The principle of redeveloping the site is in accordance with the Development Plan and national policy.
- 7.3 The landscape and visual impacts are considered to be acceptable. Technical considerations, such as access, parking, traffic, highway safety, ecology, and drainage have all been assessed as acceptable by the relevant technical experts.
- 7.4 The concerns of the local objectors in relation to the potential for uncontrolled spread of new development in the countryside, setting a possible harmful precedent, are acknowledged. However, in this case it is recognised that the policies relating to gypsy and traveller sites are permissive ones so in principle the scheme is acceptable.
- 7.5 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission outweigh any potential adverse impacts in planning terms. A suite of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 7.6 The application is recommended for **conditional approval**.

## 8. Full Recommendation

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

### ***Conditions***

1.	<b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  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).
2.	<b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:  TDA.2796.01, 02 and 03.  Reason: For the avoidance of doubt and in the interest of proper planning.
3	<b>Pitch restriction</b>

	<p>No more than 1 pitch at any one time shall be laid out on the application site consisting of no more than one touring caravan, one mobile home, and one utility /day room.</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, Policies CS7, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy TS3 of the Housing Site Allocations DPD (2006-2026)</p>
4	<p><b>No commercial use</b></p> <p>At no time shall any form of business/commercial use operate on the application site.</p> <p>Reason. To protect local amenity in accord with the advice in policy OVS6 in the WBDLP of 1991 to 2006 and policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
5	<p><b>Occupation restriction</b></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 2024.</p> <p>Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.</p>
6	<p><b>Parking</b></p> <p>Prior to occupation no fewer than 2 vehicle parking spaces shall be laid out on the site and retained in perpetuity during the occupation of this site as permitted.</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>
7	<p><b>Trees</b></p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of:</p> <p>all temporary tree protection (including ground protection) and any special construction works within any defined tree protection area.</p>

	<p>Reason: To ensure the retention and protection of trees identified at the site in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
8	<p><b>SUDS</b></p> <p>No development shall commence until the applicant has submitted a scheme which -</p> <p>a) Incorporates the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use. The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p>
9	<p><b>EV point</b></p> <p>The new pitch shall not be occupied until details an of electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The mobile home shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10	<p><b>Gates</b></p>

	<p>Any gates to be provided at the access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5.0 metres from the edge of the highway.</p> <p>Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p><b>Hard landscaping and boundary treatments</b></p> <p>Notwithstanding the details shown any submitted drawings, the unit hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. 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 the Quality Design SPD.</p>
12	<p><b>Soft Landscaping</b></p> <p>Notwithstanding the details shown any submitted drawings, the unit hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. 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 the Quality Design SPD.</p>
13	<p><b>Ecology</b></p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Biodiversity net gain assessment' (July 2024, Pro Vision) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p>

	<p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
14	<p><b>Invasive species</b></p> <p>No development shall take place until an invasive non-native species protocol has been submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of the undisclosed invasive species on site. The measures shall be carried out strictly in accordance with the approved scheme.</p> <p>Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because measures may need to take place throughout the construction phase.</p>
15	<p><b>Lighting strategy</b></p> <p>Prior to occupation, a “lighting design strategy for biodiversity” for the ‘gypsy and traveller caravan site’ shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</li> <li>b) show how and where external lighting will be installed (through the provision of appropriate Isolux lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</li> </ul> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p>

	Reason: Bats and badgers are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026
16	<p><b>Habitat Management and Monitoring Plan in accordance with Biodiversity Gain Plan</b></p> <p>The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared to accompany the Biodiversity Gain Plan, and shall be submitted for approval alongside or after the submission the BGP.</p> <p>(NOTE: In accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, this planning permission is subject to the condition (“the biodiversity gain condition”) that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. This is deemed to be applied by Schedule 7A of the Town and Country Planning Act 1990, and is not replicated on this decision notice. Full details are set out in the informative below.)</p> <p><b>The HMMP shall include:</b></p> <p>The HMMP shall include:</p> <ol style="list-style-type: none"> <li>(1) a non-technical summary;</li> <li>(2) the roles and responsibilities of the people or organisation(s) delivering the HMMP;</li> <li>(3) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;</li> <li>(4) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and</li> <li>(5) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,</li> </ol> <p>The details provided in relation to point (5) shall ensure that, as a minimum, monitoring takes place in 2 years, 5 years, 10 years, 15 years, 20 years, 25 years, 30 years following completion of the development. For the purposes of this condition, completion of development shall be taken as the ‘completion of gypsy and traveller caravan site’.</p> <p>No occupation shall take place until:</p> <ol style="list-style-type: none"> <li>(6) the habitat creation and enhancement works set out in the approved HMMP have been completed; and</li> <li>(7) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.</li> </ol>

	<p>Notice in writing shall be given to the Council when the:</p> <p>(8) HMMP has been implemented; and</p> <p>(9) habitat creation and enhancement works as set out in the HMMP have been completed.</p> <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Reason: To ensure biodiversity on the site is improved in accord with policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
17	<p><b>Woodland Management Plan</b></p> <p>Prior to the first occupation of the development hereby approved, whichever is the sooner; a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:</p> <p>a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.</p> <p>b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.</p> <p>c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas</p> <p>d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).</p> <p>e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.</p> <p>f) Inspection for pests, vermin and diseases and proposed remedial measures.</p>

	<p>g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.</p> <p>h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.</p> <p>Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term in perpetuity in the interest of nature conservation and the visual amenity of the area and to accord with policies the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
18	<p><b>No obstruction of definitive right of way across the site</b></p> <p>At no time shall Enborne Footpath 9/3 on its definitive legal route be physically obstructed by any structure on the application site in perpetuity.</p> <p>Reason. To ensure the legal route is not obstructed in accord with policy CS18 of the West Berkshire Core Strategy 2006-2026.</p>
19	<p><b>Removal of permitted development rights – enclosures</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.</p> <p>Reason: To prevent the erection of such development which may have an adverse impact on the rural character and appearance of the area, or fail to conserve the open landscape of the AONB. This condition</p> <p>is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006).</p>

### ***Informatives***

1.	Proactive
2.	CIL
3.	<b>HI 3 Damage to footways, cycleways and verges</b>



	The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.
4.	<b>HI 4 Damage to the carriageway</b> The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5.	<b>Official Postal Address</b> Please complete and online street naming and numbering application form at <a href="https://www.westberks.gov.uk/snn">https://www.westberks.gov.uk/snn</a> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.
6.	<b>Not Required (Predates Mandatory BNG)</b>  The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.  The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.  There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.  Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.  <b>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</b>  The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.  1. The application for planning permission was made before 12 February 2024.  2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.  3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

	<p>(ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:</p> <ul style="list-style-type: none"> <li>i) the application for planning permission was made before 2 April 2024;</li> <li>ii) planning permission is granted which has effect before 2 April 2024; or</li> <li>iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).</li> </ul> <p>4.2 Development below the de minimis threshold, meaning development which:</p> <ul style="list-style-type: none"> <li>i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and</li> <li>ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).</li> </ul> <p>4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).</p> <p>4.5 Self and Custom Build Development, meaning development which:</p> <ul style="list-style-type: none"> <li>i) consists of no more than 9 dwellings;</li> <li>ii) is carried out on a site which has an area no larger than 0.5 hectares; and</li> <li>iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).</li> </ul> <p>4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p>
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\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

#### IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### PHASED DEVELOPMENT

	<p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
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