Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01045/FUL Greenham Parish	12th July 2023[1]	Retrospective: Change of use of land to a Gypsy/Traveller site comprising the siting of 1 mobile home, 1 touring caravan, the erection of 1 dayroom, (Proposed) alongside the retrospective erection of 1 stable building for private equestrian use Land South Of Abbottswood, Newtown Road, Newtown, Newbury Mr James Connors

[1] Extension of time agreed with applicant until 21st March 2025

The application can be viewed on the Council's website at the following link: https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RU30OYRD0S100

Recommendation Summary:	To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
Ward Member(s):	Councillor Adrian Abbs, Councillor Patrick Clark, Councillor David Marsh
Reason for Committee Determination:	Over 10 objections received
Committee Site Visit:	13th February 2025

Contact Officer Details	
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1. Introduction

1.1 This application seeks planning permission for change of use of land for 1 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom. Also including the erection of 1 stables building for private equestrian use.

1.2 The application site is a field located to the south of the settlement boundary of Newbury and is accessed from Newtown Road. The site is well screened on all sides by mature trees and hedgerow. The application site is located within the registered grade II park and garden for Sandleford Priory which is located to the east of the site. The access has a tree preservation order to the north and south.

1.3 Evidence has been submitted that the northern part of the site has been used for low level B8 outdoor storage by a landscape garden company and a builder/roofer for storage of materials. Whilst the remainder of the site for grazing.

1.4 The application site is located in open countryside as defined by Core Strategy Policy ADPP1 (outside of any defined settlement boundary).

Caravans legislation

1.5 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 of 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.

1.6 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
76/05507/ADD	Change of existing use to ice cream manufacturing and wholesaling	Refused / 05.01.1977

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 30th June 2023, with a deadline for representations of 21st July 2023.

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 It is acknowledged that the Council as a public body is required to take into account the human rights of the applicants as members of the travelling/gypsy community and the needs of the family in relation to such matters as education and health care. In this regard the Council has received confidential information on the personal circumstances of the occupants of the site, which in the view of the officers supports to the overall recommendation of a balanced approval in this case.

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 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.

Greenham Parish Council:	Objection - Outside settlement boundary, retrospective, urbanisation to countryside and impact on ecology.
Burghclere Parish Council:	Objection – Outside settlement boundary, traffic impact/safety, retrospective and WBC has allocated G&T sites to be used.
WBC Highways:	Conditional Approval
Policy:	Support
SUDS:	No Objections
Trees:	Conditional Approval
Ecology:	Conditional Approval
Public Protection:	No Objections
Conservation:	No Response
Archaeology:	No Objections
Historic England:	No Comments
Berkshire Gardens Trust:	Conditional Approval
The Gardens Trust:	No Response
Berkshire Newts:	No Objections

National Highways:	No Objections

Public representations

4.2 Representations have been received from 43 contributors, 1 of which ambivalent, and 42 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:

Objection
- Retrospective nature of development
- Pollution
- Potential for more plots on the site
- Outside settlement boundary
- Out of keeping with local rural area
- Breach of planning rules – set a precedent
- Equine use – not enough land, gravel and waste removal
- Flood risk/drainage concerns
- Ecology impacts
- Against policy
- Highways impacts
- Heritage impacts
- Loss of trees
- Impact on Green Gateway

Ambivalent
- G&T site shortage
- Small and insubstantial development

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, 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)
- West Berkshire District Gypsy and Traveller Accommodation Assessment 2019 and 2021 update
- Chief Planning Officer letter dated 31st August 2015 re intentional unauthorised development and associated Ministerial Statement. 17 December 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.
- Impact on heritage assets
- 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 the there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, this includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council is not currently able demonstrate a 5 years housing land supply the 'tilted balance' of paragraph 11d is therefore 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;

5.10 Newtown Road is an A road of good quality and capacity

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

5.11 Whilst the application location is outside the settlement boundary, the nearby settlement Newbury does have a very good range of facilities including shops, schools, churches.

c) Located outside areas of high flooding risk;

5.12 The application site is located in Flood Zone 1.

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

5.13 The proposal includes adequate on site facilities, including parking, amenity area and day room.

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;

5.14 The application site is located across the road from residential dwellings and located to the south of a residential dwelling however still of distance which allows for adequate privacy and residential amenity.

f) Opportunities for an element of authorised mixed uses;

5.15 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;

5.16 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 National Landscape.'

5.17 (h) and (i) are assessed below.

5.18 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.'*

5.19 All of the points above are examined under the relevant section heading below.

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

Emerging policies

5.21 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).

5.22 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 2041 (as proposed as a Main Modification). The Plan is at the examination stage where public consultation on Main Modifications was held between 6th December 2024 and 31st January 2025. The emerging 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, place sites that are well related to existing settlements, and locate sites on previously developed land where possible. National planning policy

5.23 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'*.

5.24 The DCLG publication **Planning policy for traveller sites (PPTS) (December 2024)** 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.

5.25 The PPTS 2024 includes a new definition of 'Gypsy and Traveller' which essentially includes all population who culturally identify as a traveller. The definition as outlined in Appendix 1 is as follows (the addition is underlined and in bold):

'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.'*

5.26 Paragraph 28 has been amended to now state that should the local planning authority not be able to demonstrate an up-to-date 5 year supply of deliverable sites, the provisions of paragraph 11(d) of the NPPF applies. This replaces the previous 2023 PPTS statement of giving particular weight to a lack of a 5 year supply of sites.

5.27 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

5.28 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.

5.29 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

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

Local need and supply

5.31 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.

5.32 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.

5.33 The submission version of the Local Plan Review (LPR) was submitted to the Secretary of State on 31st March 2023. The examination is underway, with hearing sessions completed, and the consultation on Main Modifications held between the 6th December 2024 and 31st January 2025. The topic of Gypsies and Travellers was held on 11th June 2024.

5.34 Following the hearing session the Inspector published Action Points for the Council to respond to (reference IN27), with the Council responding to Action Points 56 and 57. Following the change in definition of 'Gypsies and Travellers' as set out in the PPTS December 2023 the Inspector has directed the Council to delete references to 'cultural' and 'PPTS' need in the table outlining need and supply as part of proposed Policy DM20 (the table included two sets of figures for need, as set out in the GTAA 2021). The following table, is an adaptation of the modification, to include the two pitches which obtained planning permission at Wash Water following the hearing sessions, and therefore presents an up to date picture on need and supply:

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 January 2025	
• New Stocks Farm, Paices Hill, Aldermaston	8
• Four Houses Corner, Padworth[1]	1
• Ermin Street, Lambourn Woodlands	1
• Land at Wash Water, Enborne Row	2
Total pitches provided between 1 April 2021 and 31st January 2025	12
Permanent pitches required 1st February 2025 to 31st March 2038	18

[1] 1 pitch in addition to the 16 pitches already accounted for in the GTAA

5.35 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). Taking into account the recently approved two pitches in Wash Water the overall residual need in the short term, up to 2026, is 1 pitch.

5.36 Considering the need for 1 pitch in the short term, 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 (as outlined in the above table). For context there are two current appeals under consideration (1 pitch

on land east of Blacknest Lane, Brimpton, and 5 pitches on land south of Sandhill, Hermitage), and a current live planning application for 1 pitch at Mount Pleasant Farm, Enborne).

5.37 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 the Gypsy and Traveller Accommodation Development Plan Document.

5.38 As the Council cannot 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) applies. This balance is addressed in the following sections of the report.

5.39 The weight of the Local Plan Review is still only limited at present, and thus the policies in the Core Strategy and Housing Site Allocations DPD, as well as the NPPF and PPTS, continue to apply.

Traveller site selection

Traveller sites in open countryside

5.40 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.

5.41 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.

5.42 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 Newbury, it is not considered that the site would be inconsistent with the scale of, or dominate, the existing settlement. The introduction of a household 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

5.43 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."

5.44 The existing lawful use of the site is agricultural/equestrian use with stable building, arena and associated works; this was last in use over 20 years ago based on aerial imagery. It appears that since 2015 the application site has been used for low level B8 storage by a landscaping company and then also used by a contractor to store materials; this has been established by submission of statutory declarations as well as aerial imagery.

5.45 As such, it is considered that the site is previously developed land within the definition of the NPPF. However, it is recognised that the former character and impact of the site was closely akin to prevailing very low-level storage use with some agricultural land use to the south, so the policy objective to make effective use of previously developed land is of moderate weight in this instance.

Assessment of principle of development

5.46 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.

5.47 The proposal is for the provision of a new pitch which would meet the short-term need. It therefore makes good use of previously developed brownfield land, on land relatively well related to the existing settlement and does not conflict with national policies regarding the location of new sites in the countryside.

Highways and transport

5.48 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 as there is adequate parking on site for at least 4 vehicles.

b) The access is surfaced 3m back from the carriageway – this is already existing.

c) The traffic generation issue is not significant intensification which the Local Highways Authority is concerned, given the existing and proposed use of the site.

5.49 The access has already been appropriately surfaced and widened.

Traffic Generation – previous use:

5.50 It has now been confirmed by the LPA that the site was previously used as a small scale B8 open storage for a landscape gardening business. According to the Statement by Mr Hirst dated 20/06/24, the site was used as such between 2015 – 2023.

5.51 Whilst not specifically quantified, Paragraph 3.1 of the Technical Note states these included staff arriving in the morning before departing from the site and then returning at the end of the day.

Traffic Generation – proposed use:

5.52 The proposal is for one traveller's pitch comprising of one mobile home, 1 touring caravan and a dayroom. The TRICS data submitted as part of the TN suggests 4 daily vehicle movements could be generated. For this size of dwelling in this location this may be slightly higher.

5.53 What does appear to be evident is that when the vehicle movements associated with the proposed use are off-set against those that could have been generated by the previous B8 use, the level of movements is likely to be similar.

5.54 It would therefore be difficult for the LHA to justify that this application would result in an intensification in vehicle movements and an objection on these grounds could not be substantiated.

5.55 As mentioned above, the access is substandard with regards to visibility splays. However, as this application would not result in an intensification in vehicle movements, an objection on these grounds cannot be substantiated.

Other aspects:

5.56 There is sufficient space within the site for the required parking. An electric vehicle charging point is requested to be provided, this must be a minimum of 7kw. Secure and undercover cycle storage is also requested.

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

Landscape and visual impact

5.58 The application site lies in the WH2: Greenham Woodland and Heathland Mosaic designation in the West Berkshire Landscape Character Assessment of 2019. The principal feature of this area is that it has a gentle undulating slopes, which rise to the flat-topped Greenham and Crookham Common. There is a large expanse of recovering heathland (common land), and is surrounded by valley woodlands. The western area, around the Common, has been greatly influenced by the former airbase. The eastern part of the character area around Brimpton and Crookham is distinguished by the presence of a mix of arable and pasture contained by a network of woodlands.

5.59 The existing site boundary is made up of mature vegetation therefore long-range views would be limited; boundary fencing has been erected, and further soft landscaping has been added to the entrance to aid in the loss of the felled trees.

5.60 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 reduced degree of intervisibility across the site which will improve the locality and preserve the setting.

5.61 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.

Design

5.62 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.

5.63 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.

5.64 In terms of design, it is considered that the layout and orientation of the proposed pitch is considered acceptable, offering reasonable privacy and natural surveillance.

5.65 The proposal is considered to represent a significant enhancement, in accordance with the policies.

Impact on Heritage Assets

5.66 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings and Conservation Areas amongst others. The NPPF indicates where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.67 The application site is located within the registered grade II park and garden for Sandleford Priory which is located to the east of the site and is a grade I listed building along with Sandleford Farmhouse which is grade II listed. The application site formed part of the walled kitchen garden of which some of the wall still remains.

5.68 A heritage impact assessment was submitted, and an additional heritage letter was submitted to address the original consultee comments, and consultation was carried out with Historic England, Berkshire Gardens Trust and Archaeology. Overall, there were no objections subject to conditions regarding native planting, recording and preservation of the hedges as well as openness of the paddocks to the south.

5.69 The submitted heritage documents indicate that over a period of time the use of the land has changed with historic equestrian use which was then abandoned to more recent low level storage use has seen the quality of the application site degrade. The proposal seeks to retain the remaining kitchen garden wall and bring the site into use which presents the opportunity to enhance the application site in terms set out by paragraph 219 of the NPPF, which directs those opportunities for new development within the settings of heritage assets, to enhance or better reveal their significance should be sought.

5.70 The application site is substantially screened on most sides by both mature tree cover and undergrowth. On its eastern edge, this screening extends to several successive lines of tree cover. The contribution made by this toward both the settings of nearby listed buildings to the east and the remainder of the registered park and garden, is considered minimal. The resulting visual impact arising from the development would therefore be limited to glimpsed views of the site whilst travelling along Newtown Road, due to the vegetation and tree cover long range views would not be achievable.

5.71 The very limited visual impacts would cause less than substantial harm to the registered park and the setting of the listed buildings. In accordance with the NPPF this harm should be weighed against any public benefits arising from the development. The Council currently does not have a 5-year supply of specific deliverable sites and

therefore has a shortfall of gypsy and traveller pitches. The development makes a positive contribution towards addressing the identified shortfall and this public benefit must be given significant weight. As the visual harms to the heritage assets are limited, the significant public benefit outweighs the less than substantial harm.

5.72 Therefore, the proposed works are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Sustainable construction

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

Neighbouring amenity

5.74 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.

5.75 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.

5.76 Due to the location of the proposal and the distance from neighbouring dwelling at over 40m there is not any concern for impact on wider neighbouring amenity.

5.77 The proposal is for one singular pitch therefore there is not a concern regarding neighbouring amenity within the plot.

5.78 Overall, there is not considered to be a significant impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

Drainage

5.79 The site is within flood zone 1.

5.80 A sustainable drainage systems strategy was submitted on 27th January 2025 the council drainage team had no objections to the submitted information.

5.81 Overall, the proposal complies with the NPPF and Policy CS16 of the Core Strategy.

Ecology

5.82 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.

5.83 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

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.

5.84 The application has been supported by a Retrospective Ecological Appraisal and BNG Assessment dated November 2023 and the Technical Response to LPA Ecology Report. These were 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 and conditions.

5.85 Overall, it is concluded that the proposed development complies with Policy CS17 and the relevant legislation subject to the imposition of the recommended conditions.

Intentional unauthorised development

5.86 Whilst the fact that an application is retrospective is not normally a material planning consideration, in 2015 the then Secretary of State set out a Written Statement indicating why intentional unauthorised development should become a material planning consideration in determining planning applications for unauthorised gypsy and traveller development in order to create a level playing field and not to undermine public confidence in the planning system.

5.87 This development is currently unauthorised and was undertaken in a manner in which it is considered that this Government policy on intentional unauthorised development applies. These actions have clearly caused distress to local residents, as is evidenced by the high level of objections received. This may in turn also affect the opportunities for effective community cohesion. However, aside from this, it is not considered that the retrospective nature of this application has resulted in any additional planning harm. The site and proposal are otherwise considered acceptable on their merits, and neither the consideration of a planning application or any enforcement action should be undertaken in a way to penalise such unauthorised development. It is considered that the way in which this development occurs weighs against the proposal, but as it has result in minimal planning harm, it is considered that this should only be given limited weight.

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 weight within the planning balance.

6.3 The design of the site is considered to be a significant improvement over that of the historic land which was used for low level outdoor B8 storage. The design conforms closely to former best practice and is considered to maximise natural surveillance across the site and help contribute to an enhanced sense of place and ownership. It is also includes a landscaping and plenty of private amenity space. This weighs in favour of the proposal.

6.4 Concerns were raised in regards to ecology, highways 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 Given that the council doesn't have enough sites to meet the 5-year supply requirement, the "tilted balance" from the National Planning Policy Framework (NPPF) is triggered. This means the presumption in favour of sustainable development applies, unless the harm from the proposal significantly outweighs its benefits.

- **Location of the Site**: The proposed pitch is located just outside the settlement boundary of Newbury. While this location is outside the boundary, the council's lack of supply for Gypsy and Traveller pitches gives this proposal weight in favour of approval.

- **Impact on Heritage**: There is some concern regarding harm to the setting of a listed building and registered gardens. However, this harm is assessed as "less than significant," and is outweighed by the benefits of providing a needed pitch.

- **Landscaping and Ecological Measures**: The landscaping and ecological measures proposed provide some positive aspects but don't carry much weight in the overall decision. They do help reduce potential harm but don't significantly alter the balance.

- **Overall Balance**: The lack of available sites for Gypsy and Traveller pitches, combined with the limited harm assessed, means that the overall balance weighs in favour of the proposal.

6.6 This conclusion reflects the principles of sustainable development, where the need for additional pitches (a recognised local requirement) and the fact that harm is minimal are key factors tipping the balance in favour of approval.

6.7 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.	**Commencement of development** Within 3 months of the date of this decision, works shall be completed to bring the development in accordance with the approved plans. Reason: The existing development on site does not accord with the approved plans, and therefore remedial works are required.
2.	**Approved plans** The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Proposed Day Room Plans J004433-CD-06 received 5th May 2023; Location Plan J004433-CD-01 Rev A received 17th May 2023; Planning Statement dated 28th April 2023 received 3rd July 2023; Proposed Stables Plans J004433-CD-07 Rev B received 3rd August 2023; Highways Technical Note dated 6th September 2023 received 11th September 2023;

	Proposed Gates J004433-DD-09 received 27th October 2023; Equine Management Plan received 27th October 2023; Proposed Site Plan J004433-CD-05 Rev C received 1st November 2023; Retrospective Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment dated November 2023 received 8th November 2023; Ecology Technical Response dated 2nd February 2024 received 10th February 2024; Tree Planting Plan TPP(L)01 dated May 2024 received 19th July 2024; Surface Water Drainage Strategy by Flume Consulting Engineers dated January 2025 received 27th January 2025. Reason: For the avoidance of doubt and in the interest of proper planning.
3.	**Materials** 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. 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).
4.	**Parking** Within 3 months of the date of decision the parking shall 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. 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.
5.	**Cycle parking/storage (approved plans)** Within 3 months of the date of decision details of the cycle parking/storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times. Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).
6.	**Electric vehicle charging points** Within 3 months of the date of decision details of the electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times. Reason: To secure the provision of charging points to encourage the use of electric vehicles. 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.

7.	**SUDS** Within 3 months of the date of decision the drainage measures on site shall be carried out in accordance with the surface water drainage strategy by Flume Consulting dated January 2025 submitted and approved by the Local Planning Authority. Reason: To ensure appropriate disposal of surface water, in accordance with the National Planning Policy Framework, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and the Sustainable Drainage Systems SPD 2018.
8.	**Lighting design strategy for light sensitive biodiversity** No new external lighting shall be installed unless a "lighting design strategy for "biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall: 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 b) show how and where external lighting will be installed (through the provision of appropriate 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. 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. Reason: Bats 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.
9.	**Soft landscaping** Within 3 months of the date of decision details of a soft landscaping scheme shall be 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 including the retention and proposed management of the native and hedges and trees to the southern, western and eastern boundaries of the site. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following the date of this decision. 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. Reason: Landscaping is an integral element of achieving high quality design and biodiversity mitigation/enhancements. 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.
10.	**Biodiversity Measures**

	The development hereby permitted shall be carried out in accordance with the biodiversity mitigation and enhancement measures outline in section 4.0 of the Preliminary Appraisal by Ecology Partnership, dated November 2023. Reason: To ensure that biodiversity is conserved and enhanced. To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.
11.	**Ecological Enhancements** Within 6 months of the date of decision details of the installation of appropriate bat and bird boxes and reptile hibernacula shall be undertaken in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, details to include: (a) Number (b) Specification (c) Location Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is imposed in accordance with NPPF paragraph 180, s.40 of the Natural Environment and Rural Communities Act 2006, and Policy CS17 of the West Berkshire Core Strategy 2006-2026
12.	**Maximum pitches** At no time shall more than one pitch be provided on the application site. 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
13.	**Occupation restriction** 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. Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.
14.	**Day room** The dayroom hereby permitted shall only be used for purposes ancillary and/or incidental to the pitch upon which they are sited. 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.
15.	**Private equestrian use only** Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or an orders revoking and re-enacting or amending those orders, with or without modification), the application site shall only be used for private recreational equestrian purposes. The site shall not be used for any other equestrian purpose including commercial riding, breeding, training or liveries. Reason: In the interests of amenity and to ensure an appropriate intensity of use. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026),

	and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
16.	**Hay store/tack room use** The hay store and tack room as indicated on the plans submitted with the application shall be used solely for these purposes and shall not be used for the accommodation of horses. Reason: To ensure the scale and intensity of the development is appropriate to its location, and to ensure adequate facilities are maintained. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
17.	**Number of horses** No more than 4 horses shall be stabled on the site at any one time Reason: To ensure the scale and intensity of the development is appropriate to its location. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
18.	**No commercial use on site** At no time shall any form of business/commercial use operate on the site. Reason. To protect local amenity in accord with the advice in policy OVS6 in the WBDLP of 1991 to 2006 and policy CS14 in the WBCS of 2006 to 2026.
19.	**Restriction on externally stored equestrian paraphernalia** No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of equestrian paraphernalia shall be stored, processed, repaired, operated or displayed in the open land on the site. Reason: To preserve the open landscape to the south which has a positive impact on the setting of the registered gardens. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).
20.	**Kitchen Garden Wall Survey** No works of repair or replacement to the kitchen garden wall shall take place until a condition survey report has been submitted to and approved in writing by the Local Planning Authority. The condition survey report should detail the condition of the kitchen garden wall to which the works relate and should specify all repair work required and methods to be used. Where the wall has deteriorated to such an extent that replacement is considered the only possible course of action, full details of the replacement work, including materials and finishes, shall be submitted along with the condition survey report. Reason: To ensure the long-term survival of this remaining feature. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Informatives

1.	Proactive
2.	CIL
3.	**HI 3 Damage to footways, cycleways and verges** 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.	**HI 4 Damage to the carriageway** 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.	**Official Postal Address** Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn 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.	**Not Required (Predates Mandatory BNG)** 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. EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS 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 (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024. 4. The permission which has been granted is for development which is exempt being: 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: i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or 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). 4.2 Development below the de minimis threshold, meaning development which: 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 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). 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. 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). 4.5 Self and Custom Build Development, meaning development which: i) consists of no more than 9 dwellings; ii) is carried out on a site which has an area no larger than 0.5 hectares; and 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). 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. * "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 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. 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).