The Planning Inspectorate

# Appeal Decision

Hearing held on 4 September 2024

Site visit made on 5 & 9 September 2024

**by Mr JP Sargent BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2024**

**Appeal Ref: APP/X0360/W/24/3342812**
**Land between School Road and Orchard Road, Hurst, Reading, RG10 0SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Ms Penelope Clayden and Helmsley Land Ltd against the decision of Wokingham Borough Council.
- The application Ref is 230074.
- The development proposed is the erection of 23 dwellings with associated access and 15 carparking spaces for the local primary school.

## Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 23 dwellings with associated access and 15 car parking spaces for the local primary school at land between School Road and Orchard Road, Hurst, Reading, RG10 0SD in accordance with the terms of the application, Ref 230074, subject to the conditions in the attached schedule.

## Preliminary Matters

2. This is an outline application with all matters other than access reserved for later consideration. Moreover, the only elements of access being considered are the entry/exit points onto School Road from the proposed housing estate and the car park. As a result, I am treating all details on the various submissions relating to matters other than those points of access as being illustrative but nonetheless informative, indicating one possible way the scheme could be implemented.

3. As originally proposed a further access was shown to Orchard Road, but that is now no longer intended. Although the site's red line on the location plan is drawn to allow for such an access, no access to that road forms part of this scheme now. Moreover, the proposal originally sought planning permission for 24 dwellings, but the scheme was amended to 23 during its consideration and I am assessing it on that basis.

4. There is an emerging Local Plan which has reached Regulation 19 stage. My attention has been drawn to no policies from that and no significant changes to the proposal's development plan context. Consequently, it has not had a bearing on my decision other than in relation to the necessary housing land supply (discussed below).

## Main Issues

5. The main issues in this case are

a) the principle of the development and its effect on the character and appearance of the area;

b) whether this is a sustainable location for such a development;

c) the effect on highway safety and

d) if harm would be caused by any of the above whether a decision contrary to the development plan would be justified by other material considerations.

## Reasons

### *The principle and the effect on the character and appearance*

*The principle and the effect on the wider landscape*

6. In the *Wokingham Borough Core Strategy* (the Core Strategy) the defined Development Limits around Hurst take an irregular form reflecting what the *Borough Design Guide* (the Design Guide) notes is the loose nature of the village. Core Strategy Policy CP11 says development outside Development Limits will only be normally accepted in certain circumstances. This is supported by Core Strategy Policies CP1 and CP3, and by Policy TB21 in the *Wokingham Borough Managing Development Delivery Local Plan* (the MDD) as they seek to maintain the quality of the environment in the Borough, and retain or enhance the condition, character and features that contribute to the landscape. Reference was also made to Core Strategy Policy CP9, which says development proposals within Development Limits will be accepted. However, I consider it inappropriate to infer it finds proposals outside of those limits to be unacceptable, as such schemes are considered under Core Strategy Policy CP11. In any event, Core Strategy Policy CP9 appears to concern issues of sustainability rather than character and appearance. As such, I find it is not directly relevant to this issue.

7. The appeal site has the appearance of a single field that was, until recently, used for grazing but is now overgrown. It runs from School Road to the north through to Orchard Road on the south. On its east is the village primary school and the large plot occupied by Vine Cottage, while to the west is the village hall and a house called Willowmead. The site has trees along its School Road frontage but is otherwise generally bounded by hedging. Along with the school on one side and the group of buildings around the village hall on the other, the site lies outside of but immediately adjacent to the development limits for Hurst, which at this point run along School Road itself. Much of the boundary planting and trees on the south, east and north sides is the subject of a tree preservation order.

8. As none of the certain circumstances given in Core Strategy Policy CP11 apply to this proposal, they are not a basis to support the scheme.

9. However, that policy says that *'in order to protect the separate identity of settlements and maintain the quality of the environment'* development outside Development Limits will not normally be permitted. Whilst there appears to be an assumption that a proposal outside of the Development Limits would contravene one or both of those aims, if the specific issues around a case meant it did not, then the policy would not be contravened and there would be no need to comply with any of the certain circumstances given.

10. Although it was suggested that the first of these 2 aims sought to protect the identity of the settlement next to which the development was occurring, I have difficulty reading the policy in that way. Rather, it seems to be directed towards avoiding the coalescence of neighbouring settlements, so undermining their respective identities as distinct and separate villages or hamlets. The development would not offend this aim, as my attention was drawn to no village to the south or south-east of Hurst where the sense of separateness would be threatened. In any event, the site has some built development to its east and west, while further properties and commercial operations are on the southern side of Orchard Road. As a result, even if there was another settlement in that direction, I consider that, when seen on the ground, the proposal would not be bringing Hurst any closer and so would not be diminishing any separation.

11. Turning to the second aim, although quite clearly appreciated by local residents, the site does not form or abut part of a valued landscape under the *National Planning Policy Framework* (the Framework) and is not allocated as a Local Green Space.

12. It was not explained why the current Development Limits for the village follow the lines they do. I accept though that by building a housing estate on this field outside those limits, in what is treated as the countryside in the development plan, the scheme would not maintain the quality of the rural environment in which Hurst sits and would not retain a feature that contributes to the landscape.

13. However, on the ground what is perceived as countryside when assessing character and appearance does not necessarily reflect what is defined as such by the adopted Development Limits. Here, the nature of the topography in the area, the planting around and the presence of the village, mean that any appreciation of the site is very much confined to its immediate surroundings, even in winter with fewer leaves on the trees. From where it could be seen to the south, the proposal would be viewed in the context of the buildings adjacent, and would not be projecting out of the existing settlement fabric. Furthermore, the row of hedging on each side of Orchard Road means more expansive views southwards over and from the appeal site are now greatly restricted, and so in this regard the scheme would not impede any wider vistas that may be present.

14. In the *Wokingham Borough Landscape Character Assessment* (the LCA) the appeal site lies in Character Area C2, called Hurst River Terrace. This area can be summarised as being a tranquil rural lowland landscape of large flat arable fields, crossed by a network of rural roads and with small settlements. However the boundary to that LCA area runs along the south side of the site, and beyond is Character Area I4 (Hurst Farmed Clay Lowland),which the site is outside of but immediately adjacent to. This Character Area can be seen as being a relatively flat lowland agricultural area with pockets of equestrian grazing, crossed by a network of rural roads and small settlements.

15. The limited size of the site, its location with buildings around and my findings on its effect on the looseness of the village (discussed below) would mean the scheme would not cause material harm to LCA Character Area C2. I see no conflict with the key issues the LCA identifies as facing this area. In particular, in my opinion the scheme's constrained nature means it would not increase

linear development along country lanes. Furthermore, noting the strong hedges on Orchard Road that provide a clear and distinct physical and visual separation from the landscape to the south, and again taking account of its location between other buildings, the scheme would not adversely affect LCA Character Area I4 either.

*Effect on the character and appearance within the village*

16. The carriageway of Orchard Road has an informal, rural feel, being relatively narrow with no pavements, kerbs or lighting, but with extensive planting to either side. Having said that, although much of the road lies outside of the Development Limits, with the exception of the appeal site and the land opposite that are found near the middle, it tends to be lined by dwellings and properties in large curtilages. As such, there is an awareness of buildings along its length, albeit heavily screened by boundary planting or relatively striking fencing.

17. The illustrative plan shows a row of dwellings broadly facing Orchard Road, behind the boundary planting that would be maintained in its current continuous state. Furthermore, the appellants have confirmed that no part of any dwelling or flat would be within 20m of the carriageway. To my mind this arrangement would not appear discordant in the streetscape or out of keeping with the general pattern of buildings along this road. Concern was expressed about the possible loss of the hedging and trees to this frontage in due course. I have no grounds to consider this would occur, and with the tree preservation order and the imposition of conditions at the reserved matters stage, some control over such operations would remain in place.

18. Turning to the effect on School Road, when entering the village from the south the road coming down the hill from the church has a rural, enclosed character due to its informality and the trees to either side. However, this changes at the junction with Orchard Road where the large new houses accessed off Sawpit Road (the Sawpit Road scheme) are visible on the left and the Air Scout Hut, village hall and associated parking are apparent on the right. Although screened to an extent by planting along the boundaries and roadside, these nonetheless introduce built form into the streetscape that dilute appreciably any rural character the road may have had further south.

19. As one moves past the junction with Sawpit Road, the more formal nature of School Road becomes apparent, with its pavement and maintained verge down one side. Moreover, the complex around the village hall opens up, while there is an awareness of housing on Martineau Lane. Then, beyond the appeal site there is the primary school, the flats opposite, and housing on either side of the road thereafter. Within the street scene there is a diversity, with an appreciable variety of built form, layouts and densities found along its length. Whilst the appeal site acts as some relief in this, to my mind when reaching this point the road has changed from having a distinctly rural character. Rather, with its mix of buildings and the presence of planting, it has acquired a character more expected within a village in the countryside that has experienced organic incremental growth over the years.

20. Clearly there would be a change in the appearance of School Road, as the field would be lost, and some harm would result as a consequence. However, such an effect invariably occurs when fields are redeveloped. Furthermore, what would be created would be a line of houses/flats set back a minimum of 10m

from the carriageway but this would not be a lengthy run and, even accounting for its density, would not be appreciably at odds with the general diversity on the road at present. A car park would also be formed, but this would not be a novel or new feature, with car parks already found at the village hall, the school and the Dorndon House flats. Similarly the accesses to the new estate and the car park reflect a number of accesses already in the area. The scheme would result in the loss of some trees on this road frontage and again this would be harmful to a degree, but replanting would occur that would, in time, compensate for this. Overall, I therefore consider the harmful effect on the development when seen from School Road would be limited.

21. In assessing this element of the scheme, I have no reason to assume the car park would become a focus for fly-tipping or any other sort of nuisance, especially as I saw no evidence of such anti-social behaviour elsewhere in the village. There would need to be a management responsibility established, and if such occurrences did in fact happen there would then be a channel for them to be addressed and resolved.

22. Again, in relation to the second aim of Core Strategy Policy CP11, the Design Guide states that loose villages such as Hurst are generally more spacious and less enclosed, with landscape and the rural hinterland penetrating into the settlement. The field subject of this appeal contributes to the sense of looseness in this part of the village, by the way it fragments the built form with open green space. The openness it provides will be clearly lost by the scheme, but, as stated above, that often occurs with developments in and around villages, and, once more, such change is not necessarily harmful. Furthermore, I consider that, when taking the village as a whole, its fragmented and irregular form means the surrounding landscape and rural hinterland would continue to penetrate into the settlement even if this scheme were to be built. As such, it would still be a loose village.

23. There would also be opportunity for compliance with many of the common characteristics of such villages that are identified by the Design Guide, namely a varied development character, a loose arrangement of buildings, a set back from the road, and planting dominating front gardens. The maintenance of hedging around much of the site would enable a mature landscaped context for the development to be provided from the outset, and this could be supplemented by the planting that would occur between the housing and the roads, and also along the footpath on the eastern side. The layout on the illustrative plans shows one of the 2 trees in the centre being removed, but that layout is not fixed, and opportunity to revisit that would exist at reserved matters stage.

24. Accordingly I find that the loss of the field would cause some limited harm to the character and appearance of School Road, but would otherwise not result in unacceptable harm to the village or its loose character.

*Effect on the footpath*

25. A public footpath links School Road and Orchard Road, which initially runs between the school playing field and a tall hedge but then crosses the eastern side of the appeal site. Based on my observations, it appeared to be well used. It is reasonable to assume its walkers would not just be those wishing to get from one road to the other, but also people who are wanting to enjoy the countryside and are using it as part of a longer route.

26. The tall hedge would restrict inter-visibility to a great extent between the northern half of the path and the appeal site. However noise associated with the development could still be heard, and there would be an awareness of any house placed in or around the position of Plot 12 on the layout. Moreover, although a relatively wide strip could remain for the route of the path between the rear boundary fences of the new houses and the side fence of Vine Cottage, the current views over the field would be lost and replaced by an awareness of the development. Therefore, given the recreational nature of this path, I consider the impact of the scheme would mean some harm would be caused to the local environment.

*Effect on heritage assets*

27. MDD Policy TB24 says the Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings. MDD Policy TB26 adds that planning permission will only be granted for proposals affecting an Area of Special Character (ASC) where they demonstrate that they retain and enhance the traditional, historical, local and special character of the area and its setting.

28. To the east sits the Grade II listed Vine Cottage. This seems to have originally been a timber-framed dwelling from the 15th Century that reflected the vernacular style of the time, though appears to have been extended appreciably in the 17th Century and later. To my mind, and in so far as this appeal is concerned, its significance is partly architectural and partly historic, as it demonstrates construction practices of rural dwellings from that period.

29. Vine Cottage though stands in a large plot, and is separated from the appeal site by what appear to be more recent extensions, additions and outbuildings, as well as by a sizeable paddock and the established boundary hedge. The appellants find the scheme would cause a low level of less than substantial harm to the significance of this building. However, given the scale of the separation, I consider a development along the lines of that on the illustrative plans would not have an adverse effect on the setting of that designated heritage asset, and so would not harm its significance.

30. To the west is what the Council has defined in the development plan as an ASC. I have no specific assessment from the Council to explain clearly what comprises the traditional, historical, local and special character of this area or what adds to its significance, beyond being told it is a non-designated heritage asset. Three of the oldest buildings in the ASC, namely Willowmead, the village hall and the building now used by the pre-school, appear to date from the late 19th or early 20th Centuries and form a pleasing and attractive ensemble, displaying, to a greater or lesser extent, detailing from that period. Otherwise, apart from the Lodge and the Old School House that stand away to the south, the Air Scout Hut is a modern functional building of little design merit, and the houses in the Sawpit Road scheme, which I was told were larger in size than considered by the Planning Inspector when determining the outline proposal for that site, are also particularly dominant.

31. The field subject of this appeal allows the eastern side of the ASC to be readily apparent. Willowmead is notable at the southern end of this boundary, as is the relatively blank, plain roof of the village hall behind, with the taller pre-school building being nothing more than glimpsed in between. Little of the ASC can therefore be appreciated from here. Therefore, taking a balanced

judgement on this matter, and mindful that a sliver of the ASC encroaches into the south-west corner of the appeal site, the effect of the proposal on that non-designated heritage asset and its setting would not harm its significance, and so would retain any traditional, historical, local and special character the area may possess.

*Conclusions on this issue*

32. Accordingly I conclude the proposal would not harm the significance of the listed building or the ASC, and so would not conflict with MDD Policies TB24 or TB26. I also consider the character of Hurst as a loose village, as described in the Design Guide, would not be compromised.

33. However, I further conclude that some limited harm to the quality of the environment and the character and appearance of the area would be caused by building on this field outside the settlement boundary, as well as to School Road and to the footpath, in conflict with Core Strategy Policies CP1, CP3 and CP11, and Policy TB21 in the MDD.

***Sustainability***

34. The Framework says that proposals should ensure appropriate opportunities to promote sustainable transport modes can be taken up, given the type of proposal and its location. It adds development should be focussed on locations that give priority first to pedestrian and cycle movements and second – so far as possible – to facilitating access to high quality public transport. Overall, when applying this Government guidance, to my mind it does not mean new houses should be limited to places where all the needs of their residents could be met entirely by a choice of transport modes other than by private motorised vehicles, as there would be few if any undeveloped sites with such a level of accessibility in the Borough. Rather, the guidance is qualified to a certain degree, and there is an acceptance of sites being developed even though future occupiers would be reliant, to some extent, on the private car. This is acknowledged by the Framework recognising that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.

35. The approach in the Framework underlies the spatial strategy found in the development plan. Core Strategy Policy CP9 requires the scale of new schemes to reflect the proposed or existing level of services at or in a location. To this end, Hurst is identified as one of 9 Limited Development Locations. This is illustrative of the services it offers, and places it in the third tier of settlements in the Borough, beneath major and modest development locations, where services are more extensive. This position is supported by Core Strategy Policy CP17, which concerns housing delivery. It states that over the plan period there should be 100 houses delivered within the Limited Development Locations, with sites generally not exceeding 25 units. To my mind the thrust of this policy is to ensure new housing is in some way proportionate to the services a settlement offers, thereby stimulating the survival of those services but not overwhelming them or meaning they were inadequate. This policy context expressly concerns proposals within Development Limits, and so is not strictly applicable to the development before me. Despite that, it was agreed by the parties that as an illustration of the service provision and the status of Hurst in this regard, it could be used to guide consideration of this proposal.

36. Moreover, I agree with the parties' shared view at the Hearing that the sustainability of a location was not defined by the site's position relative to Development Limits. This is because, potentially, sites outside of such limits could have equal if not better access to services than those within, especially in a settlement such as this with irregularly shaped Development Limits. This though conflicted, in part, with the Council's second reason for refusal, where the sustainability of the location appeared to hinge to a degree on its countryside location outside the settlement limits, rather than the development's direct relationship to whatever services were available.

37. Putting aside the fact that the scheme is outside the Development Limits, it is for less than 25 units as required by Core Strategy Policy CS17. However, I was told that during the Plan period 38 houses have been built in Hurst, which means that, cumulatively, the village accounts for a significant proportion of the 100 houses this policy says should be built in all 9 such locations.

38. The site has good access to the school, pre-school, village hall and Air Scout hut, all of which are immediately adjacent. Moreover, play areas and allotments are within an easy walking distance. I also consider that, although too far for some, the distances involved and the connecting pavements mean the Green Man Public House and the village shop/post office are readily walkable for most residents. Moreover, some of the pavements may be narrower than normally desirable, and while this may be less than ideal for those with mobility issues or prams, it has not been said this would render them impassible. Therefore, I have no basis to find the pavements would be inappropriate for those living at this scheme to use. To get to the shop/post office requires crossing the A321 twice in each direction. However, crossing even a main road does not render a facility inaccessible on foot. In any event that is something virtually all the village residents have to do now, as there is no pavement on the side of the main road past the shop/post office. While the absence of any specific crossings at that point may also create difficulties for certain residents, again it does not mean access on foot would be impractical for all living here.

39. To the south is the church, the bowls club and another public house. The route to these is along a winding road that, for some of its length, is subject to the national speed limit, yet has no pavements or pedestrian refuges. Therefore, although the distance is not far, it is unlikely residents would walk to any of these places.

40. In the light of the above, I consider that Hurst offers a basic range of services, many of which are reasonably accessible from the appeal site by a variety of modes other than motorised transport. However, I recognise that some of these (such as the school or play area) would not be used by the households that did not have responsibility for children of a certain age or, in the case of the school, did not include adults who worked there. Furthermore, the services available are not extensive. My attention was drawn to no health provision in Hurst, education above primary school level is not available, the shop, although maybe offering day-to-day top-up goods, does not cater for more extensive retail needs, the faith options are limited and there are few opportunities for employment or entertainment.

41. Inevitably for these residents would need to travel further afield to Twyford, Winnersh, Wokingham or Reading. Given the distances involved, the nature of

the roads and the limited pavements, many residents would be unable to cycle or walk to them. For others it may be possible, but the speed of traffic, the limited lighting and the scarce pavements would make them reluctant to embark on such journeys. Indeed, even if they did so on pleasant days or when their journey was not demanding, it is unlikely they would cycle or walk those routes in inclement weather, when dark, when having a tight timescale to meet or, for example, when wanting to do a large shopping trip. Overall, few if any would regularly make these trips on foot or on a bicycle.

42. To overcome this issue, reference is often made to the residents using home deliveries. However, this only concerns one element of the services the village does not provide. Furthermore, there is no guarantee residents would make use of this service, or that it would not generate multiple trips as a variety of delivery agencies were used. Often too shopping trips are linked with those to work or school, and so a home delivery service would not prevent a trip from taking place. I therefore afford this possibility little weight.

43. The village is on a bus route between Wokingham/Winnersh and Twyford/ Reading, and the bus stops, which the appellants are proposing to upgrade and so make more attractive, are immediately by the site. The timetable I was provided with, which the parties agreed was the currently operative one, showed buses each way roughly every 65 minutes through the working day.

44. This timetable falls short of the definition of a *'good'* public transport service found in the supporting text to Core Strategy Policy CP6 as it does not have the requisite service frequency. However, this is a definition that is applied Borough-wide, to town centres, suburbs and rural areas alike, and I would anticipate that few places outside the main built up areas would comply. It was also said this service was unreliable, but over the lengthy periods I was undertaking my visits I noted buses came more or less when they were due.

45. I accept though that relying on the bus will reduce a person's flexibility, especially at the beginning and end of the working day. In particular, using it to access work or schooling in nearby towns, although not impossible, is nonetheless difficult. Moreover, the service does not provide opportunity to go out for the evening during the week, is reduced on a Saturday, and does not run on a Sunday. I was also told it was of little value accessing health services. Taking these points together, while the bus service would be of some value it is most unlikely to fulfil the needs of individual households. At best I would expect future residents to use it in conjunction with car travel.

46. In assessing this matter I am aware the appellants are proposing a Sustainable Transport Strategy, Travel Vouchers to the first occupiers of each house, and funding to the Council under its established scheme to encourage residents to consider and make use of the various transport options available to them for local journeys. Although it may be said the value of some of these measures is far from certain, they are nonetheless likely to be of some benefit and so would encourage, to a greater or lesser extent, the use of alternative transport modes.

47. Overall, I therefore find that the site has a reasonable accessibility to what services the village offers, but these services are basic. Whilst there is the possibility of using the bus to access neighbouring towns for what is not within Hurst, that opportunity is limited by timetabling, and so to access wider service needs will result in some reliance on the car.

48. This reliance on the car though is one that existing residents in the village have to cope with, and indeed some houses within the Development Limits probably have an inferior access to the services available in Hurst. In this regard I am mindful of the advice in the Framework concerning the differing opportunities that exist between urban and rural areas for maximising alternative modes of transport. Despite this inevitable reliance, to some degree, on private motorised vehicles, the development plan did not deem the village unsuitable for new housing but rather identified it in Core Strategy Policies CP9 and CP17 as one where some limited development could take place, notwithstanding the failings in the services available. I am aware too that, while accepting it is outside of the Development Limits, this scheme does not exceed the figure of 25 units found in Core Strategy Policy CP17, that that policy contains no reference to a cumulative effect, beyond the total figure of 100 houses, and that no harm to the village's services that are the subject of Core Strategy Policy CP9 have been highlighted in a decisive manner.

49. In assessing this issue, the appeal decision concerning the Sawpit Lane scheme found that whilst it was likely there would be some car use to access facilities further afield, there was no basis to support the assertion that the future occupants of those proposed dwellings would be overly reliant on private motor vehicles. This though seemed to be based on the suitability of the bus to access services in neighbouring towns, and for the reasons given above, I have come to different findings on that point in relation to the timetable now before me. I have also explained why I have described the range of services available in the village as *'basic'* rather than *'good'*.

50. I have noted as well the decision concerning Land East of Lodge Road from 2023 (the Lodge Road decision), which was a scheme for 200 homes attached to the western side of Hurst that was refused on appeal. In that, the quality of the access to services within the village was questioned, with the frequent lack of pavements along roads being noted. Concerning the narrow pavements in Hurst, it says

> *'[t]his is not untypical of rural settlements, but whilst it is clearly an accepted fact of life for existing residents, I am not persuaded that it is the sort of network which should simply be expected to absorb and accommodate the additional usage likely to arise from a further 200 dwellings.'*

To walk to the services though that scheme might have relied more on Tape Lane which is narrow with limited pavements. However, I am satisfied that, to access the main services available in the village from the site before me, the pavement network is suitable. This current scheme is not for the further 200 houses being considered in the Lodge Road decision, but rather for only about a ninth of that, and so the pressures that would arise on these pavements would be appreciably less.

51. I was also mindful of the various other appeal decisions submitted concerning this matter, but consider none lead me to different findings.

52. Drawing all the above together, I find that Hurst offers a basic range of facilities and services that would, to a greater or lesser extent, partially meet the day-to-day needs of some of the future residents, and would be reasonably considered as walkable from the scheme, both in terms of distance and the quality of the connections. Furthermore, I accept that limited

development is accepted in this village, and I have no substantive evidence to show that this proposal would overwhelm its existing services.

53. However, despite this, the basic facilities and services in the village and the nature of the bus service, mean the scheme would result in a reliance on private motorised transport to a degree as residents travelled further afield to access what was not provided locally. In this regard I find it contrary to Core Strategy Policies CP1, CP2, CP3 and CP6, which together seek to direct development to sustainable locations where there is transport choice.

***Highway safety***

54. Although not a concern raised by the Council, this was a matter brought up by third parties.

55. For much of the time that I was visiting the site, School Road was lightly trafficked, carrying agricultural vehicles as well as cars, vans and buses. It offered good visibility, and although some cars (presumably belonging to teachers or school visitors) were parked at the kerbside by the school playing field, these did not cause an appreciable disruption to the free flow of traffic. I recognise that my observations were just snapshots of time but, given the submissions I have received, I have no grounds to assume they are not broadly representative of the character of this road during much of the day.

56. Given this, I consider the use of neither the access to the car park nor the access to the housing would compromise highway safety unacceptably. Vehicles are not travelling fast, and the numerous drives, junctions and accesses on School Road mean drivers are mindful of emerging traffic. Moreover, both access points would have good visibility, and although they are close to the junction with Tape Lane opposite, the number of vehicular movements each would generate would not lead to any undue conflict.

57. However, twice and maybe 3 times a day for about 20-30 minutes, the character of the road changes, as parents/carers arrive by car to drop off and collect children who attend the school. I watched this situation on the morning of 5 September and also in the afternoon of 9 September. On these occasions, I saw over 40 cars parked along the south-east side of the road, from close to the village pond down to the village hall car park entrance, albeit not within the restricted parking area in front of the school. I also saw it at mid-day on 5 September when, I believe, one year group was being collected, and even then I observed over 25 cars parked up on the road. This reduced the carriageway, in effect, to a single track, albeit with occasional passing places where there were drives or similar. Again, although my observations were restricted to isolated days, and I appreciate too that 5 September was the first day of the new school year and also had poor weather, once more I had no reason to consider that what I saw was not broadly representative of the situation at these times each day.

58. It is not uncommon outside primary schools across the country for there to be extensive on-street parking for a time as children are dropped off or collected, and so it is not necessarily adverse or unsafe. Furthermore, pedestrians were crossing the road and parents/carers were getting their children in or out of cars, and while these inevitably involved some element of risk and hazard, they did not appear to create an unacceptable danger. Rather, the speed restrictions, the awareness of the school, the narrowed carriageway and the

general activity all meant I observed drivers proceeding with caution past the parked vehicles. Although there were some times when a car travelling in one direction had to manoeuvre to let a vehicle going the opposite way pass, the good forward visibility and the presence of gaps in the kerbside parking meant these occurrences were readily and safely resolved.

59. In such a context, and given that double yellow lines are to be formed to either side of the proposed junctions to allow clear visibility between cars leaving the development and other highway users, I consider that any additional traffic introduced into the road network by the development would not have an unacceptable effect on highway safety at these times.

60. Concern was expressed about the potential conflicts that may occur between cars entering/leaving the new accesses and parents/carers and children walking to and from school. I saw many walking past the appeal site, whether having parked at the village hall or come from the housing beyond. They would have to cross these access points, and indeed any new junction introduces a further possible place of conflict. However, the proximity to School Road means parents/carers are already paying close attention to the safety of their children, and with the provision of adequate sight lines I see no reason why either new access should cause unacceptable danger.

61. The need for the car park would result from the reduction in kerbside parking arising because of the proposed parking controls around the new access to the estate. Its precise layout is yet to be established, and how it is to be used is still unclear. Whilst in the description of development it is said to be for the local Primary school, and presumably its staff as well as parents/carers, the appellants are willing for it to be used by the general public. Although within the parking area some cars would be manoeuvring whilst children are walking to or from others, if suitably arranged then to my mind it need not be any more unsafe than the kerbside parking now practiced.

62. Accordingly, I conclude the proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. As such, it would not conflict with Core Strategy Policy CP6, which seeks to maintain highway safety or the Framework.

***Other Matters***

*Flooding*

63. Much information was submitted by third parties saying there was flooding, not just on the site but also in the wider environs of Hurst. On site, even if the flooding could be addressed, it was contended that water would be displaced onto neighbouring properties. Concerning flooding elsewhere, this it was said was a result of many things, but maybe especially a failure of owners to maintain their ditches and drainage channels. They did not deem infiltration to be an option here, as evidenced by the Sawpit Road scheme, so water would need to be discharged into these ditches, exacerbating their failings and the failings elsewhere downstream in the drainage system.

64. I do not doubt that drainage and flooding are real and genuine concerns of those who live locally. Furthermore, I have noted the *Wokingham Section 19 Flood Investigation Draft Report* (dated March 2024), and the concerns it expresses about flooding around this area of the Borough. I was told though

that the site is in Flood Zone 1. I am aware too that a drainage scheme could be agreed at the same time as reserved matters to ensure discharge from the site was carefully controlled. Mindful of this, the technical evidence before me does not show that, if discharged in a controlled manner, water from this site would have a material effect on flooding elsewhere. Consequently, whilst I note the concerns on this matter, it is not something on which the appeal can be dismissed.

*Living conditions*

65. Willowmead has a number of windows looking onto the site, including a large one at first floor level in a detached annexe close to the boundary. Inevitably the outlook from these windows, and also from the property's garden, will be changed, and the residents there will experience more noise and disturbance. However, that of itself does not mean the resultant situation would be unreasonable, and the precise relationships could be taken into account when the reserved matters applications are determined.

66. I have no reason to consider the scheme would have a harmful effect on other residents in the vicinity.

*Best and most versatile farmland*

67. The Framework states that decision-makers should recognise the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It defines this as land falling in Agricultural Land Classifications 1, 2 or 3a. Clearly safeguarding good-quality farmland has benefits not only for the nation's food security but also with regard to sustainability. However, if the appeal site falls within Classification 3a, I consider that its size and its isolated nature, divorced from other fields and accessible only from School Road, mean its economic benefits are limited and so any loss in this regard would not be unacceptable.

*Ecology*

68. Given the nature of the site and the fact that it has not been grazed for 2 years, it is to be expected that wildlife might use it for foraging or even as habitat. However, as most of the boundary planting on site is to remain, there is no technical evidence to demonstrate clearly that the scheme would cause unacceptable ecological harm. Whilst the site being unused for so long might have changed the findings of the Preliminary Ecological Appraisal, I have no reason to consider this would be to a material degree. As part of the scheme a Biodiversity Net Gain Plan is proposed, which I consider would ensure benefits accrued through the development.

69. Accordingly, I have no grounds to find the effect on ecology and biodiversity would be unacceptable.

*Infrastructure contributions*

70. A signed and dated Unilateral Undertaking under section 106 of the Act (the Undertaking) has been submitted making commitments in a number of areas.

71. Firstly, 9 of the homes would be affordable. Moreover, there is also a further commitment to a financial contribution in lieu of the 0.2 of an affordable home that would not be provided on site, to be used towards the off-site provision or

regeneration of affordable housing within the Borough. Taking the on-site and off-site requirements together, I consider this to be in accordance with the policy requirement for 40% affordable homes, and satisfies the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations).

72. Turning to transportation matters, the Undertaking includes commitments to ensure the bus stops can be up-graded, parking restrictions can be secured on School Road, a Travel Voucher is provided to the first occupiers, and the Council can encourage residents to consider and make use of the various transport options available to them for local journeys. Moreover, there are also commitments about the maintenance of estate roads, and the use, delivery and management of the car park. The relevance and applicability of these in relation to the scheme have been discussed above, and again I am satisfied they accord with the Regulations.

73. Thirdly contributions are also proposed to be used for enhancing parks and gardens, amenity green space, sports facilities, play facilities and allotments, in the first instance in the Parishes of Hurst, Charvil, Ruscombe or Twyford. Mindful of MDD Policy TB08, and noting that such contributions are intended to be spent in the area around the site, I consider there is, again compliance with the Regulations.

74. Fourthly, a Biodiversity Net Gain Plan and a Sustainable Drainage Scheme are to be submitted and implemented, which, as stated above, are relevant to the scheme and in accord with the Regulations.

75. Finally, a commitment is made to an Employment Skills Contribution or Plan, which again I understand to be policy compliant.

76. Overall, I therefore find the terms of the Undertaking are not incompatible with the Regulations, and are material in respect of the determination of the appeal. I therefore attach weight to them in coming to my decision.

77. No education contributions are given in the Undertaking, and none were requested by the Council. I have no reason to consider differently.

*Other uses for the site and other concerns*

78. The site might have been used for events in the past, and some may want it to be used for the expansion of the school, but those are not matters on which I can resist this development.

79. I have noted the numerous other concerns raised by local residents but consider none offer me a basis to find harm with the scheme.

***Other material considerations and the planning balance***

80. I have therefore found policy conflict would be caused by the scheme's harm to elements of the character and appearance of the area, as well as to the aims of sustainability. The Council's Statement of Case concluded that it considered there was no foreseeable scenario that would lead a decision maker to determine as acceptable this unsustainable form of development, which was in conflict with the development plan and basic planning principles. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* refers to a balance, saying development should be in accordance with the

development plan unless material considerations indicate otherwise (my emphasis). Therefore, whilst the primacy of the development plan remains and its status is unaffected, clearly there is the possibility of instances arising where a scheme is allowed despite development plan conflict. To assess that requires a judgement by the decision-maker based on the relative weights they afford relevant considerations.

81. The appellants have offered a number of material considerations that they considered weighed in favour of their scheme. First and foremost is the fact that the Council cannot demonstrate a required housing land supply. As a result, paragraph 11d) of the Framework is engaged. In relation to this scheme, this states that where the policies which are most important for determining the proposal are out-of-date (including situations where the local planning authority cannot demonstrate a necessary housing land supply) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 11d)(ii)).

82. Given the stage the emerging Local Plan has reached, the Council needs to demonstrate only that it has a 4-year supply. However, it was agreed by the parties that the current supply was below that, being 3.2 years.

83. The Council said the reason for this shortfall was because it had substantially exceeded its delivery targets over the last few years, and as a result its supply of deliverable sites had been drained. It therefore contended that the shortfall in supply was not a failure of its policies but rather a demonstration of their success. Furthermore, it was on course to deliver more than the number of houses anticipated in the Core Strategy when the plan period ended in a few years. These circumstances, to my mind, do not prevent the application of Framework paragraph 11d)(ii), as that makes it clear it applies when there is a housing land supply shortfall, irrespective of the reasons for that. Indeed any housing land supply figure is not a ceiling that should not be exceeded, and the oversupply of housing is not, of itself, a justification for resisting a development. Notwithstanding that, I consider it reasonable to assume the high delivery over recent years should temper the benefit of housing to some extent.

84. It also contended the shortfall was to be addressed through allocations in the emerging Local Plan. However, those sites do not fall now within the Framework's definition of deliverable. Furthermore, from the timescales I was given that still means the shortfall is to remain for a number of years whilst the plan is examined and adopted and its effects become apparent. As such, this does not lead me to assess the shortfall differently.

85. In the light of the above, I consider the shortfall is appreciable. Moreover, I afford the supply of additional housing substantial weight in favour of the scheme, and, despite the tempering effect, I afford the over-supply limited weight. These weightings are in line with those agreed by the Council and the appellants in the Statement of Common Ground.

86. Turning to whether the most important policies are out of date, as I read it I consider Core Strategy Policy CP11 does not appear to offer a basis to resist development in the countryside that would neither fail to protect the separate identity of settlements nor maintain the quality of the environment, as any such development would not conflict with its purpose. Although that brings some flexibility, it is nonetheless more proscriptive than the Framework in

regard to proposals outside of settlements, and so the weight I attach to the development plan conflict is reduced somewhat. MDD Policy TB21 though seems less flexible, especially in relation to its second point, and to my mind goes beyond the more nuanced position in the Framework concerning development in the countryside. However, Core Strategy Policies CP1, CP2, CP3 and CP6 are a local reflection of the thrust for sustainability found in the Framework.

87. A further aspect of support for the scheme was the delivery of affordable housing. Again in the Statement of Common Ground it was agreed there was a persistent unmet need for this in the Borough, and substantial weight should be given to its delivery. I accept that the nature of house prices in Wokingham Borough means there will be an on-going demand for affordable housing, but on the evidence before me I have no basis to differ from the parties' agreed position.

88. Beyond these, I accept there would be economic benefits during the construction phase and afterwards. There would also be biodiversity net gain with the scheme. Such benefits though could come with any new housing, and so I afford them moderate weight. I recognise that upgrading bus stops and various open space facilities around would benefit not just the scheme's residents but also the wider public, and so afford these moderate weight too.

89. The delivery of the car park has been offered as a safety benefit and also a benefit to the environment by reducing kerbside parking. However, I have not been persuaded that any danger to pedestrians or the free-flow of traffic resulting from the current reliance of parents/carers on parking at the side of the road is sufficient to mean the weight to be afforded to this is significant. I therefore afford this limited weight.

90. Moreover, when I consider the development plan conflict in the light of the shortfall in housing land supply, it is likely that, to redress this situation, at least some housing is to be required outside Development Limits on greenfield sites that are deemed to be countryside. It is also reasonable to assume that such sites may well be in less sustainable locations or locations where there is, relatively speaking, a greater reliance on private motorised transport than those identified through the local plan process.

91. Accordingly, I acknowledge the scheme would give rise to some harm and development plan conflict, but I conclude that its adverse impacts, even if taken together, do not significantly and demonstrably outweigh the benefits that would arise. Therefore, planning permission should be granted.

92. In making this judgement, I accept that the Lodge Road decision reached a different view. However, that was for an appreciably larger development, that had a different relationship to the settlement's services and its built form. As such the relative weights attributed to the scheme's benefits and adverse impacts would not have been the same.

*Other decisions*

93. I have received numerous decisions from over the last 20 years concerning appeals elsewhere. In my reasoning I have made explicit reference to the decision allowing the Sawpit Road scheme as well as to the Lodge Road decision due to their recentness and their proximity to the site. Otherwise,

these decisions concern different developments in different places, often assessed under a different version of the Framework, and such factors could account for the conflicting findings they sometimes appear to reach. Ultimately, the judgement each Inspector makes is driven very much by the circumstances of the case before them, and by the relative weightings they attach to the various considerations. Consequently, while I have noted these decisions, having regard to the submissions presented to me I see nothing to lead me to change my findings.

**Conditions**

94. Conditions relating to the submission of reserved matters and the commencement of development, along with a condition confirming the approved plans, are justified for the avoidance of doubt.

95. In the interests of highway safety, the outstanding details of the accesses, along with the construction details of the roads, should be agreed. They should then be laid out prior to occupation and retained with suitable sightlines secured at the junction. For the same reason there should be agreed a parking strategy for the car park, though the Undertaking provides specific commitments concerning when the car park will be provided.

96. Having regard to the character and appearance of the area, any external lighting should be agreed. Moreover, the new dwellings and flats (as opposed to any outbuildings or boundary treatments they may have) should be set back at least 20m from Orchard Road's carriageway and 10m from the carriageway on School Road.

97. In the interests of adequate drainage, a drainage scheme should be submitted with or before the reserved matters. I consider it unnecessary for the drainage condition to list the various modelling, guidance and standards with which it should comply, as that could be a requirement of the Council's when it considers those details. Mindful of the possible presence of archaeology, a scheme of archaeological works should be approved. In the interests of public health, a condition should also be imposed addressing any unexpected contamination.

98. In the light of sustainability, a Sustainable Transport Strategy should be secured in line with the commitment in the Highways Statement of Common Ground, and details of sustainability measures for the dwellings should accompany the reserved matters submissions.

99. Finally, the hours of working should be controlled so as to avoid undue harm to adjacent living conditions. To protect the wildlife around the site, and also to respect highway safety, a method statement and ecological management plan for the construction phase should also be agreed. Ecological impact would also justify the approval of a Landscape and Ecological Management Plan.

100. Conditions were suggested relating to the agreement of landscaping, tree protection and the long-term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas. However, insofar as these lie outside of the Landscape and Ecological Management Plan they can be addressed under reserved matters. A condition restricting the development to no more than 23 dwellings is unnecessary as that is all for

which permission is granted, whilst electric charging points are subject of other legislation.

**Conclusion**

101. Accordingly, for the reasons given I conclude the appeal is allowed.

*Mr JP Sargent*

INSPECTOR

## Conditions Schedule

1) Details of the appearance, landscaping, layout, and scale (the reserved matters), shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) Unless otherwise agreed under conditions elsewhere on this decision the development shall be carried out in accordance with the following plans: Location Plan 235.113, Parameter Plan 235.115 Rev C, and Site Access Plan ITB18301-GA-0011 Rev C.

5) Prior to the submission of any reserved matters applications an archaeological Written Scheme of Investigation (WSI) together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and timetables within the WSI.

6) With or before the submission of reserved matters, outstanding details of the proposed vehicular accesses on to School Road (including any associated pedestrian crossing facilities) shall be submitted to the local planning authority for approval in writing. Prior to first occupation the accesses shall be formed in accordance with the approved details and shall be thereafter retained.

7) With or before the submission of reserved matters, details of the construction and levels of roads and footpaths shall be submitted to the local planning authority for approval in writing. Prior to the first occupation of the development the roads and footways shall then be constructed in accordance with the approved details to road base level, with the final wearing course being provided within 3 months of first occupation.

8) With or before the submission of reserved matters, a layout for the car park and a Parking Management Strategy for its management shall be submitted to the local planning authority for approval in writing. The submitted Parking Management Strategy shall include details of the management of all parking spaces and traffic regulation orders. The approved layout and Parking Management Strategy shall be implemented prior to the first occupation of the development and shall be thereafter retained.

9) With or before the submission of reserved matters, a detailed drainage strategy shall be submitted to the local planning authority for approval in writing. Where surface water cannot be infiltrated but requires disposal off site, evidence of consent to discharge/connect through third party land or to their network/system/watercourse must be provided. Prior to the first occupation of the development the drainage scheme shall be

carried out in accordance with the approved detailed drainage strategy and shall be thereafter retained.

10) With or before the submission of reserved matters, a baseline for the level of carbon reduction shall be agreed in writing with the local planning authority, and details of sustainability measures to show that the development will result in carbon reductions equal to or below that baseline shall then be submitted to the local planning authority for approval in writing. No building shall be occupied until the sustainability measures associated with that property are installed in full working order in accordance with the approved details, and they shall thereafter be retained unless they are replaced by more efficient and sustainable technology.

11) With or before the submission of reserved matters, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for its approval in writing. The LEMP shall comprise

a) a description and evaluation of features to be managed;

b) ecological trends and constraints on site that might influence management;

c) aims and objectives of management, to include management of habitats for biodiversity net gain;

d) appropriate management options for achieving aims and objectives;

e) prescriptions for management actions;

f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period)

g) details of the body or organization responsible for implementation of the plan; and

h) ongoing monitoring and remedial measures.

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved LEMP.

12) No development shall take place until a Construction Method Statement, including a Construction Ecological Management Plan, has been submitted to, and approved in writing by, the local planning authority. The statement shall provide for the following:

(a) the location and means of construction of suitable works access;

(b) the location of parking of vehicles of site operatives and visitors;

(c) the location for the loading and unloading of plant and materials;

(d) the location and means of storing plant and materials used in constructing the development;

(e) the erection and maintenance of security hoarding;

(f) wheel washing facilities;

(g) measures to control the emission of dust and dirt during construction;

(h) a scheme for recycling/disposing of waste resulting from works;

(i) hours of delivery; and

(j) mitigation and avoidance measures for ecology, biodiversity and tree protection at the construction stage.

The details and measures in the approved Statement shall be adhered to throughout the construction period.

13) No work relating to the development hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 0800h and 1800h Mondays to Fridays, 0800h to 1300h on Saturdays and at no time on Sundays or Bank or National Holidays.

14) If land contamination is found at any time during site clearance, groundwork and construction, the discovery shall be reported immediately to the local planning authority. A full contamination risk assessment shall be carried out and, if found to be necessary, a remediation method statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved remediation method statement.

15) Prior to its first operation, each access onto School Road shall be provided with visibility splays of 2.4m x 57m to the south and 2.4m x 45m to the north, and these shall contain no obstruction greater than 0.6m in height when measured above the adjacent carriageway. These visibility splays shall be thereafter retained and kept clear of any obstruction greater than 0.6m in height when measured above the adjacent carriageway.

16) Prior to the first occupation of the development, a Sustainable Transport Strategy that accords with the terms of the *Land adjacent to School Road, Hurst: Transport SoCG* (dated 3 September 2024), together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The approved Sustainable Transport Strategy shall then be put into practice in accordance with the approved timetable,

17) No external lighting shall be installed other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.

18) No part of the main building of any dwelling or flat (but for the avoidance of doubt, not including any detached outbuildings or any boundary treatments) shall extend to within 20m of the carriageway of Orchard Road, or to within 10m of the carriageway of School Road.

## APPEARANCES

FOR THE APPELLANT:

| | |
|---|---|
| C Brockhurst | Landscape consultant |
| T Rumble | Planning consultant |
| T Wall | Highways consultant |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|---|---|
| G Adam | Development Control, Highways |
| I Church | Planning Policy, Housing |
| B Crafer | Landscape Architect |
| H Maynard | Team Leader Planning Department |

INTERESTED PARTIES:

| | |
|---|---|
| D Boyd | Vice Chair, St Nicholas Hurst Parish Council |
| Mr Butler | Local resident |
| Cllr S Conway | Leader of the Council & Councillor for Twyford, Ruscombe and Hurst Ward |
| P Curry | Chair, St Nicholas Hurst Parish Council |
| I Fiennes | Local resident |
| G Manning | Local resident |
| Mr Norris | Local resident |
| J Osborne | Local resident |
| C Woodward | Local resident |

## DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FROM THE APPELLANT

APP1: *Land adjacent to School Road, Hurst Transport SoCG* (dated 3 September 2024)

APP2: Signed and dated Unilateral Undertaking with explanatory email (dated 13 September 2024)

APP3: Response to Document LR1 with Conditions Note (dated 26 September 2024)

FROM THE COUNCIL

LPA1: Appendix 3 from *Wokingham Borough Core Strategy*

LPA2: Document concerning open space provision (received 13 September 2024)

LPA3: *Local Plan Update 2023-40 Proposed Submission Plan*

LPA4: Response to Document APP3 (dated 4 October 2024)

FROM LOCAL RESIDENTS

LR1: Statement from D Birtles (received 17 September 2024)