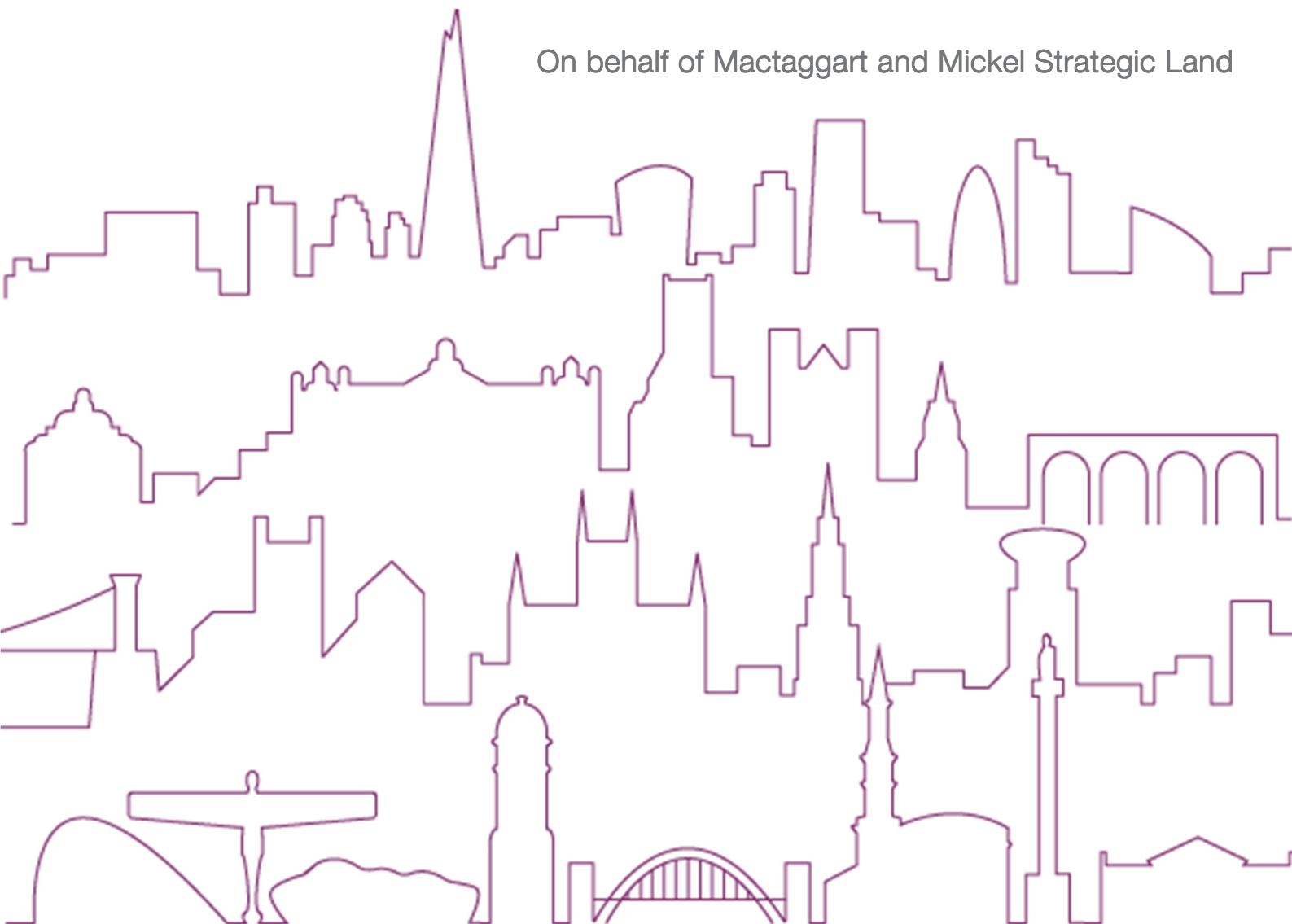


MAC MIC
GROUP

Statement of Common Ground

Appeal against refusal of planning
application ref: 242067 which relates Land
Between Lodge Road and Tape Lane,
Hurst, RG10 0EG

On behalf of Mactaggart and Mickel Strategic Land



Contents

1. Introduction	2
2. Appeal Site Location and Description	4
3. Planning History	6
4. The Appeal Scheme	8
5. Plans	9
6. Planning Policy	11
7. Matters in Agreement	12
8. Matters in Dispute	14
9. Planning Conditions and Unilateral Undertaking	15
10. Agreement	16

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Report Reference:
7169

1. Introduction

- 1.1. This Statement of Common Ground ('SoCG') has been prepared by Planning Potential Ltd in support of an appeal against the refusal of Wokingham Borough Council ('WBC') of an application for planning permission (ref: 242067) by Mactaggart and Mickel Strategic Land ('Mac Mic' or 'the Appellant'). Both the Appellant and the Council have agreed the matters contained within it.
- 1.2. This SoCG supports an Appeal for outline planning permission for "*Up to 99 no. homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements*". The proposals were refused, by Wokingham Borough Council, under delegated powers, on 29th November 2024.
- 1.3. Eleven reasons for refusal were in the decision notice and are set out below. The Decision Notice and Officer's Report are included in the Core Documents bundle.

Reason for Refusal 1

- The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 9, 12 and 15 of the NPPF.

Reason for Refusal 2

- The application results in the loss of an area of Best and Most Versatile agricultural land contrary to Core Strategy policy CP1 and section 15 of the NPPF.

Reason for Refusal 3

- The proposed development will have a detrimental impact on the landscape and the character and appearance of the area by reason of the quantum, scale, parameters and location of the development. It would result in the loss of characteristic landscape features and erode of the separation between existing villages and their rural setting. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.

Reason for Refusal 4

- The application site is within an unsustainable location where residents would be reliant on private vehicles for basic day-to-day needs, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

Reason for Refusal 5

- In the absence of a satisfactory Flood Risk Assessment and the Environment Agency objection, the proposed development has failed to demonstrate it would have an acceptable flooding and drainage impact contrary to Core Strategy policy CP1 and CP3, MDD Local Plan Policy CC09 and CC10 and Section 14 of the NPPF.

Reason for Refusal 6

- By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10 percent biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10 percent biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Reason for Refusal 7

- The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

Reason for Refusal 8

- In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.

Reason for Refusal 9

- In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

Reason for Refusal 10

- In the absence of a completed Legal Agreement, the development fails to secure a schedule off-site highway works for pedestrian and sustainable travel infrastructure and the management/adoption of internal estate roads and public open spaces, contrary to Core Strategy policy CP1, CP3, CP4 and CP6 and MDD Local Plan policy CC03 and TB08 and sections 4, 8, 9 and 12 of the NPPF

Reason for Refusal 11

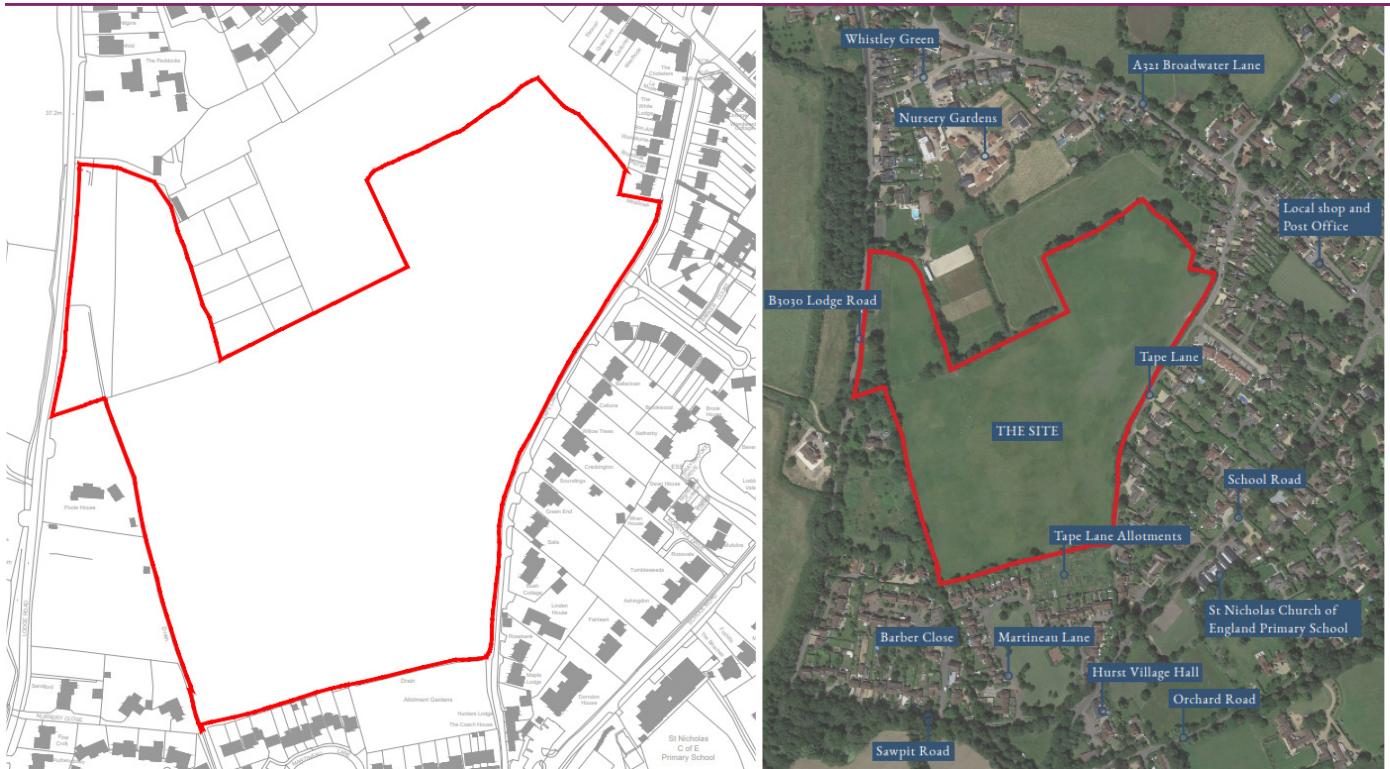
- In the absence of a completed Legal Agreement, the proposed development fails to make adequate contributions to sport and recreational facilities, contrary to MDD Local Plan policy TB08, Core Strategy policy CP4 and Sections 4 and 8 of the NPPF.

2. Appeal Site Location and Description

Site Description

- 2.1. The Site comprises 10.68Ha of agricultural fields located between Lodge Road to the west, and Tape Lane to the east, in the village of Hurst.
- 2.2. The Site is largely flat and is used for the grazing of farm animals, predominantly horses. The site is generally bounded by hedgerows and trees,. There is a band of mature trees, which run from east to west on the northern boundary of the site. There is also an area of mature trees at the west of the site. Six English oak trees are considered to meet the criteria of a Veteran tree, located sporadically on the Site boundary.
- 2.3. The Site comprises private land, and no Public Rights of Way feature on the Site. There are existing field access points along both Lodge Road and Tape Lane via gates associated with the existing and previous farming uses.
- 2.4. The Site is designated as Countryside and outside of settlement boundaries.
- 2.5. There are no Listed buildings on the Site and it is not located within a conservation area.
- 2.6. The Site is located in an area for the following designations.
 - Area of Search for Sand and Gravel
 - Mineral Safeguarding Area
 - Groundwater Consultation Zone
 - Great Crested Newt Impact Risk Zone
 - Sites of Special Scientific Interest Impact Risk Zone

Figure 2.1 Site Location



Source: Mosaic

Surrounding Area

- 2.7. The Site is outside of the settlement boundaries of the village of Hurst, which is located 1.7miles south of Twyford and 1.6miles north of Winnersh. The villages of Hurst and Whistley Green wrap around the appeal site and other adjacent, undeveloped land in a 'reversed C',
- 2.8. Residential areas directly border Tape Lane at the east of the Site, predominantly comprising two storey semi-detached dwellings. Rear gardens and Tape Lane Allotments directly abut the south of the Site.
- 2.9. Further residential properties are found at the north of the Site, including the more recent Nursery Gardens development.
- 2.10. To the west of the Site, beyond Lodge Road sits further fields and wetlands – the open countryside.
- 2.11. Although there are no Listed buildings on the Site, there are several Grade II Listed assets found across the village of Hurst, particularly to the north of the Site. There is a row of Grade II Listed houses along Broadwater Lane to the north of the Site, the closest approximately 60m. However, all listed buildings are screened from the Site through existing trees and therefore are not visible to or from the Site.
- 2.12. Two separate Statements of Common Ground have been prepared for Landscape and Transport matters, respectively.

3. Planning History

3.1. The Site has recent planning history, beyond this appeal scheme, which is set out below:

- 1986 Appeal | –The Appeal relates to a proposed outline application for a residential development, including accommodation for the elderly and shops and medical centre. The Appeal was dismissed and there are no online records available.
- F/1999/70600 | Proposed Erection of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home. Refused December 1999
- F/2001/3149 | Proposed erection of an agricultural building incorporating farm shop, parking and access. Refused and Appeal dismissed September 2002
- CLE/2004/1099 | Application for certificate of existing lawful use of field for keeping of horses. Approved April 2004
- F/2007/2154 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Storage building for tree nursery. Refused October 2007
- F/2008/1748 | Proposed siting of a mobile home. Refused and Appeal dismissed February 2009.
- F/2008/1017 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Refused and Appeal dismissed February 2009.
- 212986 | Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements. Land East of Lodge Road, Hurst. No EIA Required 21/09/21
- 220458 | Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access). Land East of Lodge Road, Hurst. Refused 22/06/2022
- APP/X0360/W/22/3309202 | Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access). Land East of Lodge Road, Hurst. Dismissed March 2023.
- 242067 | Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.) Refused 29/11/2024 (subject of this appeal)

3.2. With regards to local Planning History, there have been several planning applications of note within Hurst, including the following.

- 153431 | Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off lodge road. Land at Lodge Road, Hurst. Refused May 2016
- 172894 | Full application for the proposed erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision. Land at Lodge Road, Hurst. Refused December 2017
- 162219 | Full planning application for the proposed erection of 16no. dwellings with garages and parking spaces with new access to Whistley Green following demolition of derelict greenhouses. Valley Nurseries, Whistley Green. Refused December 2016, Appeal allowed June 2017.
- 230201| **Walden Acres, Wokingham Road, Hurst, Wokingham, RG10 0RU**, The erection of three family dwellings with associated parking and amenity space. Appeal dismissed 15th December 2023
- 230074 | Land adjacent to School Road and Orchard Road, Hurst, Reading Proposal: Outline planning application for the proposed erection of 23 dwellings with associated access and 15 carparking spaces for the local Primary school. Access only to

be considered (with Appearance, Landscaping, Layout and Scale to be reserved). Land adjacent to School Road and Orchard Road, Hurst. Refused February 2024. Allowed after Appeal (Hearing) October 2024.

- 240583 | Outline application for the proposed erection of 9No dwellings and associated access, (with Landscaping, Layout, scale and Appearance reserved) and only Access to be considered. Revised plans and information received to provide biodiversity net gain, details of bat surveys, landscape information, highways information, road safety audit, pedestrian improvements inside and outside of the site, street scene visuals and sustainability measures. Land north-west of Hogmoor Lane, Hurst. Refused 29th November 2024.

4. The Appeal Scheme

4.1. This appeal seeks planning permission for:

“Up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements .”

4.2. The proposed development will be subject to a reserved matters application for appearance, landscaping, layout and scale.

4.3. The appeal was submitted and supported by a Parameter Plan (ref: 002 C), Illustrative Masterplan (ref: 003-01B) and highways / access plans (ref: ITB19328-GA-001 Rev D, ITB19328-GA-003 Rev C and ITB19328-GA-131 Rev B). The Appellant has submitted an amended Parameter Plan (ref:002D) for approval as part of this appeal to address flood modelling. The council and the EA are considering this plan along with associated new Flood Modelling and an amended FRA.

4.4. Vehicular access will be provided onto Lodge Road. A 3.7m wide emergency vehicle / bus only access is also proposed onto Tape Lane at the north-eastern extent of the site.

4.5. Pedestrian access is proposed onto Lodge Road, through the delivery of the proposed site access junction which comprises a new footway that will tie into the existing provision along the eastern side of Lodge Road. Additionally, two points of pedestrian/cycle access onto Tape Lane are proposed at the north-eastern and south-eastern boundaries respectively.

4.6. Between the determination of the planning application and submission the appeal, the EA published new and revised national flood mapping. Under the now superseded flood maps, the site, when the application was made and determined locally by the LPA did not need to be subject to a Sequential Test. The consequence of this revised mapping indicates that the appeal site would now be subject to a Sequential Test – under para 173 and 175 of the NPPF. The Appellant has undertaken Site Specific Modelling to assist and inform any considerations relating to flooding. This modelling, if approved, will supersede the EA’s published flood maps, in so far as they relate to the appeal site. The Inspector will be updated on all matters relating to flood risk at the earliest opportunity.

5. Plans and Documents

5.1. Accordingly, for the avoidance of doubt, the appeal is to be determined having regard to the following drawings and documents, which were submitted as part of the planning application and then to support the appeal proposals:

- Planning Statement (Planning Potential)
- Site Location Plan – 004 (Mosaic)
- Parameters Plan – 002 Rev C (Mosaic) (or as updated, if agreed by the Inspector)
- Illustrative Masterplan – 003-01B (Mosaic) (or as updated, if agreed by the Inspector)
- Design and Access Statement (Mosaic)
- Character Area Statement (Mosaic)
- Transport Assessment (i-Transport)
- Framework Travel Plan (i-Transport)
- Arboricultural Assessment (Tyler Grange)
- Ecology Assessment (Tyler Grange)
- Biodiversity Net Gain Matrix (Tyler Grange)
- Drainage Strategy (SLR)
- Flood Risk Assessment and Drainage Plan (SLR) (and any updated information, if agreed by the Inspector)
- Landscape Visual Impact Assessment (Pegasus)
- Illustrative Landscape Strategy (Pegasus)
- Statement of Community Involvement (Connect)
- Contamination Report (Hydrock)
- Sustainability and Energy Statement (Blue Sky Unlimited)
- Revised Ecological Impact Assessment (Tyler Grange)) (and any updated information, if agreed by the Inspector)
- Revised Biodiversity Net Gain Matrix (Tyler Grange) (and any updated information, if agreed by the Inspector)
- Revised Preliminary Tree Retention and Removal Plan (Tyler Grange)
- Bat Activity Report (Tyler Grange)
- Revised Framework Travel Plan (i-Transport)
- Transport Assessment Addendum (i-Transport)
- Land East of Lodge Road, Hurst Minerals Safeguarding Assessment (Hydrock)
- Sand and Gravel Mineral Potential – Letter (Wardrop Minerals Management Limited)

5.2. For the avoidance of doubt the drawings the Appellant is seeking approval for, are as follows:

- Parameters Plan – 002 (the specific revision number being subject to the Inspectors Acceptance)
- Access Drawing ITB19328-GA-001 Rev D

- Access Drawing ITB19328-GA-003 Rev C, and
- Access Drawing ITB19328-GA-131 Rev B

5.3. All other documents are illustrative or for information only purposes.

6. Planning Policy

- 6.1. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. It also provides guidance on how to draw up Development Plans and policies.
- 6.2. A revised NPPF was published on the 12th of December 2024 after a consultation over the summer of 2024 after Labour were voted into power in July.
- 6.3. WBC's Development Plan documents are comprised of the following:
- Core Strategy (2010)
 - Managing Development Delivery Plan (2014)
 - Joint Minerals and Waste Plan (2023)
- 6.4. The relevant Supplementary Planning Documents (SPDs) are:
- Infrastructure Delivery and Contributions SPD
 - Sustainable Design and Construction SPD
 - Affordable Housing SPD
 - A Design for Hurst SPD

- 6.5. The Reasons for Refusal refer to the following policies:

NPPF (2023)

- Section 2
- Section 4
- Section 6
- Section 8
- Section 9
- Section 12
- Section 14
- Section 15

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

Borough Design Guide SPD

Core Strategy

- CP1 – Sustainable Development
- CP2 – Inclusive Communities
- CP3 – General Principles of Development
- CP4 – Infrastructure Requirements
- CP5 – Housing Mix, Density and Affordability
- CP6 – Managing Travel Demands
- CP7 – Biodiversity
- CP9 – Scale and Location of Development Proposals
- CP11 – Proposals outside Development Limits (including countryside)

Development Management Delivery Document

- CC01 – Presumption in favour of Sustainable Development
- CC02 – Development Limits
- CC03 – Green Infrastructure, Trees and Landscaping
- CC09 – Development and Flood Risk

- CC10 – Sustainable Drainage
- TB08 – Open space, sport and recreation facilities standards for residential development
- TB12 – Employment Skills Plan
- TB21 – Landscape Character
- TB23 – Biodiversity and Development

Emerging Local Plan

- 6.6. WBC have commenced the process of working on a New Local Plan. If found sound, the New Local Plan will ultimately replace the current Core Strategy and Managing Development Delivery Plan.
- 6.7. Wokingham Borough Council's Emerging Local Plan was submitted for Examination (28th February 2025). Two Local Plan Inspectors have been appointed; T Hatfield and M Philpott.
- 6.8. According to the latest Local Development Scheme the Council anticipate Stage 1 Hearings in April 2025 (adjusted to account for a 2-month delay in submission). Stage 2 Hearings would then be anticipated for September 2025 (adjusted accordingly). The Council anticipate that the Local Plan will then be adopted by May 2026 (adjusted). At the time of preparing this SoCG, no hearings have been scheduled or taken place.
- 6.9. Whilst the Emerging Local Plan is a material consideration, it cannot be given full weight due to its stage of preparation. The parties will set out the weight to be afforded to the Emerging Local Plan and its policies, in evidence.

7. Matters in Agreement

- 7.1. The application site is located outside of settlement limits and is designated as Countryside.
- 7.2. The appeal proposal is in conflict with certain policies of the development plan.
- 7.3. The parties agree that no heritage harms arise from the appeal proposals.
- 7.4. The council cannot demonstrate a 5 year housing land supply, and the most up to date supply position of 1.7 years is set out in the Five Year Housing Land Supply Statement at 31 March 2024, published in January 2025. This will be relied upon by the Appeal Parties.
- 7.5. The development would have an adverse effect on the landscape character and appearance of the area. The area of disagreement relates to the extent of the harm.
- 7.6. Reason for Refusal 2 (Agricultural land). The parties agree that there would be a loss of Best and Most Versatile Land but disagree on the weight to attribute to this. The parties agree that no technical evidence is required, and the weighting of this material consideration is for the decision maker, and will be set out in evidence.
- 7.7. There is potential for Reason for Refusal 5 (Flooding), 6 and 7 (BNG and Ecology Surveys) to be overcome by way of additional information being provided ahead of the Inquiry. At the time of preparing the SoCG the parties are working to resolve the matters of dispute.
- 7.8. Reasons for Refusal 8, 9, 10 and 11 would all fall away through preparation of a suitably worded S106 Planning Obligation.
- 7.9. As a result of lack of Five Year Housing Supply the following Local Plan policies, which are most important for determining the application, in WBC should be considered 'out of date':

Core Strategy

- CP9 – Scale and Location of Development Proposals
- CP11 – Proposals outside Development Limits (including countryside)

Development Management Delivery Document

- CC02 – Development Limits

8. Matters in Dispute

- 8.1. The parties disagree on weight to be afforded to the adopted Local Plan, the Emerging Local Plan, and the policies which are most important for determining this appeal, unless specifically set out above.
- 8.2. The parties disagree on whether the development is in a sustainable location, considering that package of public transport and accessibility improvements proposed, as well as access to facilities and services locally.
- 8.3. The parties disagree on the interpretation and weight to be afforded to policies in connection with perceived harm caused to the landscape, character and appearance associated with the proposed development.
- 8.4. The parties disagree with the weight to be afforded to the loss of Best and Most Versatile (BMV) Agricultural Land.
- 8.5. Flood Risk and Need for Sequential Test. This issue is currently being discussed between the relevant parties (see 7.7 above).
- 8.6. The parties disagree on the effect on Ecology and biodiversity. This is a live issue currently being discussed between the parties (see 7.7 above).
- 8.7. Weight to be afforded to benefits of the appeal proposals

9. Planning Conditions and Unilateral Undertaking

- 9.1. Should the Inspector be minded to uphold this Appeal, and grant planning permission, suitable planning conditions are being discussed between the parties, and will be provided to the Inspector at the appropriate time.
- 9.2. A Suitably worded S106 Obligation is being prepared between the parties to accompany the appeal, and will be supported by the appropriate Reg 122 Statement.

10. Agreement

10.1. This Statement of Common Ground has been prepared jointly between the Council and the Appellant.

Signed on behalf of the Council (Wokingham Borough Council)

Name	Signature	Date
Mark Croucher	<i>Mark Croucher</i>	10.07.2025

Singed on behalf of the Appellant (Mactaggart and Mickel Strategic Land)

Name	Signature	Date
Stuart Slatter	<i>Stuart Slatter</i>	10.07.2025
.....		