

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250632
Site Address:	Land North Of The Vale, Forest Road, Wokingham, RG40 5QY
Expiry Date:	12 May 2025
Site Visit Date:	17 April 2025
Proposal: Outline application for the proposed erection of 1 no. dwelling and associated works.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Countryside
Ground Water Zones
Landscape Character Assessment Area – Ashridge Farmed Clay Lowland
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – 7km Zone
Green Routes and Riverside Paths Consultation Zone
JCEB Areas of Search for Sand and Gravel
JCEB Mineral Safeguarding Areas
Great Crested Newt Consultation Zone Minor

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix

	TB07 – Internal Space Standards TB21 – Landscape Character TB23 – Biodiversity and Development
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM5 - Protection of the Countryside DM10 - Flood Risk DM13 - High Quality Design of Minerals and Waste Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document A Design for Hurst

PLANNING HISTORY – Wider site including The Vale

Application No.	Description	Decision & Date
232583	Full application for the proposed change of use of land to private equestrian use and associated erection of a stable building.	Refused – 19/12/2023 Dismissed at Appeal – 23/08/2024
232260	Householder application for the proposed erection of a single storey 4No bay garage to include cycle and domestic storage.	Conditionally Approved – 09/11/2023
213805	Application for a certificate of existing lawful development for the erection of a 1.5 storey, 3 bay garage and single storey office building, Building used as a dwelling house, hardstanding and a 1.8m closeboarded fencing (RETROSPECTIVE).	Refused – 10/01/2022
212640	Full application for the proposed temporary change of use of land from agriculture to storage, maintenance and sale of cars, retention of garage and office building and retention of hardstanding. (Retrospective).	Refused – 14/09/2021
212421	Full application for the proposed retention of existing outbuilding and erection of single storey side extension to form a tractor bay. (Retrospective)	Conditionally Approved – 02/09/2021
212270	Application to vary condition 2 of planning consent 161905 for the Reserved Matters pursuant to Outline consent O/2014/1798 for the erection of 1 no. detached dwelling, formation of additional access and demolition of commercial outbuilding. Condition 2 refers to the approved	Conditionally Approved – 19/08/2021

	documents and the variation is for alterations to fenestration on the south (rear) and west (side) elevations of the approved dwelling plus a canopy roof, alterations to the approved access and removal of the detached garage from the development. (Part Retrospective)	
161905	Matters pursuant to Outline consent O/2014/1798 for the erection of 1no detached dwelling, formation of additional access and demolition of commercial outbuilding.	Conditionally Approved – 08/05/2017
O/2014/1798	Outline application for the proposed demolition of commercial outbuildings, the formation of additional access and the erection of one detached dwelling house (all matters reserved).	Refused – 24/12/2014 Allowed at Appeal – 29/07/2015
F/2003/8509	Proposed change of use of residential garage to use for storage of cars for sale. Retrospective.	Conditionally Approved – 18/03/2003

CONSULTATION RESPONSES

Internal

WBC Environmental Health: No comments received
WBC Drainage: No objection subject to condition
WBC Highways: Objection received on grounds of the site's unsustainable location.
WBC Landscape and Trees: No outright objection, but raised concerns relating to the indicative access and layout
WBC CIL: Advice regarding CIL Liability
WBC Cleaner and Greener: No comments received
WBC Ecology Newts: No objection
WBC Ecology: No objection subject to conditions

External

Thames Water Utilities Ltd: No comments received
South East Water: No comments received

REPRESENTATIONS

Parish/Town Council	St Nicholas Hurst Parish Council has no adverse comments, trusts that, in making its decision, WBC applies the appropriate policies.
Ward Member(s)	No comments received
Neighbours	1 comment from the Harp Farm in support of the application, on the condition that the existing six foot boundary fence is extended. <i>Officer's Comment: This request cannot be considered under an outline application for planning permission. If the application had otherwise been acceptable, this matter could have been dealt with at the Reserved Matters stage.</i>

APPRAISAL

Site Description:

The application site comprises an area of land off Forest Road, to the rear of the dwellings known as Cherry Trees and The Vale. It is accessed via a private driveway which also serves The Vale. Forest Road is free from street lighting and is set within an area of countryside which is rural in character. The site is enclosed by fencing and hedgerows on its boundaries with open countryside to the north, east and west. The site falls outside of the residential curtilage associated with The Vale and has a fairly complex recent planning history, see summary above.

In short, the land is absent of any permanent built form following the issue of an Enforcement Notice on 7 February 2022. The Notice required the cessation of an unauthorised mixed use of residential and a vehicles storage and sales business, the removal of all vehicles and residential paraphernalia, and the return of the land to its former condition (grassland) following the demolition of an existing building and the break-up of hardstanding.

Proposal:

This application is for outline planning permission for the proposed erection of 1no. self-build residential dwelling with all matters reserved. Access, appearance, landscaping, layout and scale are to be matters reserved for later approval. Matters for consideration are therefore restricted to the principle of development and whether the quantum of 1 dwelling is appropriate for the site.

Information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. Unless the applicant has indicated that those details are submitted “*for illustrative purposes only*” (or has otherwise indicated that they are not formally part of the application as per the submitted application form and planning statement), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter for subsequent approval.

Under [article 5\(3\) of the Development Management Procedure Order 2015](#), an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved.

In this case, the layout and access for the proposed development are indicatively shown on the submitted drawing for illustrative purposes only. Full details for these matters, as well as appearance, landscaping and scale, will be reserved for later approval.

Principle of Development:

Section 38(6) of the Planning and Compulsory Act requires that proposals be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. In this case, the Development Plan consists of the

Core Strategy (CS) 2010 and Managing Development Delivery (MDD) Local Plan 2014. The National Planning Policy Framework (NPPF) must also be considered as it constitutes guidance which the Local Planning Authority must pay regard to. However, it does not change the statutory status of the Development Plan as the starting point for decision making. However, the NPPF is a material consideration in any determination and must be read alongside the Development Plan.

Development Plan

Core Strategy 2010

The spatial strategy for the borough is contained within the Core Strategy. A priority is to steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other reasons, to promote sustainability, maintain the quality of the environment, protect the separate identity of settlements and provide certainty regarding how the Borough will be developed.

The site is located outside of and unconnected to any Settlement Boundary and is within a part of the borough which is designated as countryside. Policy CP9 'Scale and location of development proposals' relates to the scale and location of development proposals and seeks to focus development proposals within those identified as major or modest development locations.

As the site is located outside of settlement limits within designated countryside, Policy CP11 'Proposals outside Development Limits (including countryside)' is applicable in this instance. Policy CP11 refers to protecting the separate identity of settlements and maintain the quality of the environment. The supporting text also identifies that preventing the proliferation of development in areas away from existing development limits is important, as they are not generally well located for the facilities and services.

Policy CP11 states that proposals outside of development limits will not normally be permitted except where certain criteria are met. The relevant criteria are highlighted:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and**
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and**
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or**
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements; or
 - ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;

7) Affordable housing on rural exception sites in line with CP9.

The proposal comprises the erection of one self-build dwelling. It would not contribute to a rural enterprise, promote recreation in and enjoyment of the countryside, provide an essential community facility or affordable housing. Furthermore, the proposal is not for a replacement dwelling and neither for residential extensions. The proposal would therefore not accord with any exception criteria and is contrary to the development plan in this respect.

Turning to the overall aim of Policy CP11, this is to protect the separate identity of settlements and maintain the quality of the environment. While located outside of settlement limits, it is acknowledged that the site is located to the immediate north of an established area of residential and commercial development within this section of Forest Road, and due to the scale of the proposal it would likely not compromise the separate identity of the neighbouring settlements (Hurst to the north-west, Wokingham to the south and Binfield to the east).

Maintaining the quality of the environment would ultimately depend on how the proposed development would respond to the character of the area and its impact on the wider landscape. The proposal would result in the encroachment of development beyond the existing building line established by The Vale and the adjoining sites (Harp Farm and Rehoboth) and erode the sparse ribbon pattern of development within the area. This is discussed in more detail in the 'Landscape and Character of the Area' section of the report.

Managing Development Delivery Local Plan 2014

Policy CC02 of the MDD Local Plan states that development at the edge of settlements can be acceptable where it is demonstrated that it is within development limits and respects the transition between the built-up area and the open countryside, taking into account the character of the adjacent countryside and landscape.

In this case, the site is not located within settlement limits and therefore policy CC02 does not apply.

Central and Eastern Berkshire Joint Minerals and Waste Plan 2023

The Central and Eastern Berkshire Joint Minerals and Waste Plan ("Joint Plan") was adopted by Wokingham Borough Council on 19 January 2023. The Joint Plan identifies site allocations and extensions to help provide a future supply of sand and gravel extraction. However, despite these allocations, there remains a shortfall of supply during the plan period. The policy response to address the shortfall is the identification of a 'Minerals Safeguarding Area' (MSA), where Policy M2 of the plan applies, and also an 'Area of Search' where Policy M4 applies. This approach is to demonstrate the potential for, in effect, windfall provision within the Plan area.

The site is within an identified MSA. Policy M2 aims to seek to protect mineral resources against unnecessary sterilization by non-minerals development. The application covers an area approximately 0.1 hectares in size and a 3 hectare threshold is reflected in the supporting text under Policy M2, which states "*A minimum plot size*

of 3 hectares will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved.”

Therefore, given the site’s relatively modest size below the threshold specified within Policy M2, it is unlikely to be a viable commercial operation or impact any other commercial operations. The location of the site is within close proximity to sensitive land uses such as residential dwellings which would also impede the suitability of the site for any mineral extraction given the buffer zones outlined by the JMWP.

Emerging Local Plan Update

The Local Plan Update (LPU), the plan which will supersede the adopted Core Strategy and MDD Local Plans, was submitted to the Secretary of State on 28th February 2025. Two Planning Inspectors have been appointed to undertake an independent examination, and a programme for the hearing sessions is being finalised.

The application site has not been submitted for proposed allocation for residential development. Notwithstanding, given the LPU is at the very early stages of examination, with several stages in the process yet to be completed, the Proposed Submission Plan and relevant draft policies have limited weight in determining planning applications.

Development Plan Summary

As set out in the Planning and Compulsory Purchase Act 2004 and NPPF, the starting point for assessment is against the development plan and the proposal conflicts the development plan policies and the spatial strategy therein.

National Planning Policy Framework (NPPF)

The NPPF is a material consideration in the decision-making process. The NPPF outlines the Government’s planning policy on a national level and highlights sustainable development as the centre of the decision-making process incorporating economic, social and environmental objectives. These three objectives seek to balance growth and local community needs against the protection of the natural, built and historic environment.

Paragraph 12 of the NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Housing Land Supply

To achieve sustainable development, the NPPF (February 2025) at paragraph 78 requires LPAs to identify a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. The latest published Five-Year Housing Land Supply Statement (at 31st March 2024) shows the Council is currently only able to

demonstrate 1.7 years' worth of deliverable sites. Subsequently, those policies relating specifically to housing development identified above are currently considered to be out of date. However, this does not mean that they have no weight.

Paragraph 11 states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Firstly, in considering i), it must be recognised that the proposed site is not located within any protected areas or assets of particular importance (as outlined above and within footnote 7 and paragraph 181 of the NPPF). In considering ii), Officers must assess as part of any forthcoming application whether there are any adverse impacts generated by the development that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. This is referred to as the 'tilted balance', as harms and benefits are not weighed equally, but tilted according to paragraph 11(d)(ii).

An important underlying reason in the context of Wokingham Borough is the historic oversupply of housing against both the requirement set out in the Core Strategy local plan and the scale of local housing need as calculated by the previous standard method which remains a key contributing factor to the current lack of the required deliverable housing land supply, and this must be considered in the planning balance.

Having established the tilted balance is engaged, paragraph 11(d)(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed place and providing affordable homes, individually or in combination. These key policies, as outlined within footnote 9, will be referred to throughout this report where relevant, with the balance required by paragraph 11(d) of the NPPF given in the 'Planning Balance and Conclusion' section.

NPPF taken as a whole

Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole and the three pillars of sustainable development.

Paragraphs 83-84 of the NPPF are most relevant to the consideration of this proposal for new dwellings in the countryside. Paragraph 83 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. Paragraph 84 outlines how decisions should avoid

the development of isolated homes in the countryside unless one or more of the set criteria apply.

Firstly, it is necessary to establish whether the proposal qualifies to be considered under Paragraph 84 as 'isolated homes in the countryside'. The NPPF does not define what is classed as 'isolated', as such, consideration can be given to both an analysis of the location, any conclusions reached in assessing previous planning history, any accompanying information submitted by the Applicant and case law.

In the case of *Braintree DC v SSCLG* [2018] Civ 610 ('the Braintree Case') the term 'isolated' was to be given its original definition; that being, *'far away from other places, buildings and people'*.

The proposal would be sited to the north of an existing tandem form of residential development (Cherry Trees and The Vale), with other residential dwellings and commercial development within this section of Forest Road. As a result, such development in this countryside location is not considered to result in 'isolated dwellings' within its spatial context.

Nonetheless, the site is part of an undeveloped greenfield which is located to the north of the building line established by The Vale, Harm Farm and Rehoboth, adjoins open countryside, and the development of the plot would have a significant impact on the character of the area. Further consideration of the visual and spatial impact of the proposal is set out in the 'Landscape and Character of the Area' section of the report.

An appeal decision against an enforcement notice for the erection of two dwellings at The Vale was allowed under appeal reference APP/X0360/C/22/3299591. The Inspector allowed a single dwelling due to the personal circumstances of the case and the second dwelling was conditioned to be ancillary to the main dwellinghouse.

The Inspector, at paragraph 41 of appeal decision reference APP/X0360/C/22/3299591, identified modest harm in relation to residential development in this location. However, the personal circumstances surrounding the enforcement case of the deemed application under Ground (a) (Section 174 of the TCPA) outweighed this harm. The Inspector stated: *"In my view, the circumstances surrounding the construction of the building and the appellant's personal circumstances outweigh the modest harm arising from the location of the dwelling outside any defined settlement and the likely reliance of its occupants on private vehicle"*. In the application subject of this report, there are no personal circumstances outweighing the identified harm.

The Inspector goes on to state:

"Occupants of Dwelling 2 would also be reliant on private car and would generate vehicular movements. However, the Inspector only granted permission for a single dwelling and the circumstances which weigh in support of The Vale do not, in my view, justify the retention of a second separate dwelling".

This indicates that there are no special circumstances to allow a second dwelling in this location. Further assessment of the location is set out below.

Suitability of Site (Accessibility to Services and Facilities):

Policy CP9 of the Core Strategy states that *'the scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.'* Policy CP6 of the Core Strategy states:

'Planning permission will be granted for schemes that:

a) Provide for sustainable forms of transport to allow choice;

b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;'

The supporting information in policy CP6 states:

'Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development.'

'To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.'

Paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the viability of rural communities and paragraph 129 refers to the *'availability and capacity of infrastructure and services...and the scope to promote sustainable travel modes that limit future car use'*.

As already established, the site is located outside settlement limits within designated countryside. While the site is not isolated in the spatial context of neighbouring development, it does not adjoin any settlement boundaries and is not well located for facilities and services with none within a safe or convenient walking distance from the site. As acknowledged within the submitted Planning, Design & Access Statement, the closest day-to-day local facilities are located circa. 2 miles from the site.

The Council's Highways Officer has reviewed the proposal and objected on the grounds of the site's unsustainable location. Forest Road does not provide a safe or attractive environment for walking or cycling due to the lack of street lighting, footpaths and cycle paths/lanes. Moreover, it is subject to the national speed limit (60mph) and there are no bus services within an acceptable walking distance.

Therefore, future occupiers would be heavily reliant on private vehicles to access day-to-day local facilities and services resulting in very poor accessibility. While it is noted

that the proposal is modest in scale at 1 dwelling, it is reasonable to conclude that given the indicated nature of a larger family home most required services would be inaccessible other than via the private motor vehicle.

The proposed development would result in a high level of car dependency contrary to the sustainable transport goals of the NPPF and the aforementioned policies and sustainability goals of the Core Strategy.

Landscape and Character of the Area:

Policy CP1 of the Core Strategy requires developments to maintain or enhance the high quality of the environment. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design. R1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area.

Whilst it is noted that the submitted site plan is indicative only, with regard to well-designed places, paragraph 135 of the NPPF, a key policy referred to in paragraph 11(d), states that developments should:

- a) function well and add to the overall quality of the area in the long term,
- b) are visually attractive with good architecture, layout and appropriate & effective landscaping,
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities),

Paragraph 139 of the NPPF, another key policy referred to in paragraph 11(d), states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design as well as any local design guidance and supplementary planning documents.

The application seeks outline permission with all matters reserved. However, an indicative site plan has been submitted setting out the scale, indicative layout, access and location of development proposed. Although a detailed design consideration cannot be assessed at outline stage, the principle of residential development and its relative impacts on local character and the historic environment (and surrounding built environment) can be considered owing to the change of use of the land the impacts it may have on its surroundings.

As discussed, the site has a fairly complex recent planning history. The application site comprises part of land adjoining the residential curtilage associated with The Vale to the immediate south. Following partial compliance with the Enforcement Notice issued on 07/02/2022 the land has returned to grassland with no permanent built form in situ. A large garage building, previously used in connection with the unlawful mixed residential and car business use which has ceased, has also been demolished although this was sited to the north of the application site as shown on the submitted location plan. A similar building was granted planning permission in the curtilage of The Vale (ref 232260).

In support of this application, the applicant has submitted a context plan (drawing no. MLP/02) and design context plan (drawing no. MLP/Design/01, see excerpt below) showing the relationship between the proposed dwelling (N.B. scale and siting are indicative at this stage), and the existing built development to the south, within Harp Farm to the west and Rehoboth to the east. These submitted plans and the Planning, Design & Access statement argue that the proposed dwelling would sit within the complex of existing built development and contained by the structural landscape, therefore the effects on landscape character would not be adverse or result in such material harm that planning permission should be withheld.



Extract of submitted drawing no. MLP/Design/01

The recent development at the neighbouring sites is a clear consideration in the assessment of this application. However, as clearly demonstrated on the submitted indicative plans, the proposed dwelling would sit further north of the building line established by the neighbouring development and it is therefore not agreed that the proposal would sit within the existing complex of built development.

The northern building line established by the neighbouring development, in particular the commercial units within Harp Farm, has been referred to as a key consideration within recent LPA and Planning Inspectorate decisions. Concerning the previous unlawful development, the Inspector for APP/X0360/C/22/3294935, which included the application site, and APP/X0360/C/22/329959, relating to an Enforcement Notice served on The Vale to the immediate south of the application site, dated 24/05/2023 stated:

'While I note there is commercial development either side of the appeal site, the circumstances surrounding the permissions at Harp Farm and Rehoboth are very different. Furthermore, the garage building does not relate well to development either side of it. Although the buildings at Harp Farm are substantial, they do not extend as far north as the garage building.' (Paragraph 51)

The Inspector also states that the landscaping condition would ensure the limits of residential use were clearly defined and prevent encroachment in accordance with CC03. This proposal would conflict with this approach and the landscaping scheme approved under discharge of conditions application reference 231776, without which the appeal scheme was not considered acceptable.

A similar conclusion was reached by the Inspector for a later appeal decision (ref APP/X0360/W/24/3336959 dated 23/08/2024) which related to the proposed change of use of the site (and the adjoining land to the north) to private equestrian use and the erection of a stables building which was largely in the same position as the previous garage building:

‘Given the separation, and the different use, it would not be well-related to the existing residential buildings, and its location would be distant from the road and neighbouring built form. The effect would be encroachment into the countryside, which would erode the sparse ribbon pattern of development which in turn contributes to the rural character of the area.’ (Paragraph 11)

Similarly, an application for stabling, and other built form to the north of the existing development at Rehoboth, ref 231595, was refused, in part, due to the impact on the character and appearance of the area and encroachment into the Countryside.

The indicative siting of the proposed dwelling would be in closer proximity to the southern boundary of the site adjoining The Vale in comparison to the previous proposals. The neighbouring context has also changed slightly since the Enforcement Appeal, following the approval and implementation of a garage building ancillary to the residential use of The Vale which is sited circa. 8.6m from the southern boundary of the application site (ref 232260).

Nonetheless, the proposed change of use of the land to residential, and the proposed dwelling as indicatively shown on the submitted plans, would result in a large permanent building, plus any associated hardstanding and residential paraphernalia, extending further to the north, away from the existing cluster of development, towards the open countryside. While all matters are reserved including appearance and landscaping, the erection of a residential dwelling on the application site would undoubtedly have an urbanising impact on the site and its surroundings.

Moreover, the proposal is effectively backland development and would extend the existing tandem form of residential development (Cherry Trees and The Vale) further towards the open countryside to the north. While the immediate street scene does not comprise a linear form of development, as discussed the proposal would expand development away from the existing cluster of built form, and a tandem residential development of three dwellings in itself is wholly out of character with the area.

The visual and spatial impact of the proposal would be highlighted by the site being visible from distance viewpoints on the road linking Forest Road to Warren Farm to the east of the site. While the proposal is at outline stage, the ridge height of the proposed dwelling would very likely sit above the hedgerows on the site’s boundaries, and the development would be apparent (particularly when the vegetation is not in full leaf. The Council’s Landscape Architect has reviewed the proposal and concluded that there

would be no adverse visual impact as the proposal would be viewed in the context of the neighbouring buildings.

As highlighted within the submitted Planning, Design & Access statement, the road to the east of the site is private and it appears that the proposed development would not be visible from any public vantage points. Nonetheless, visibility from public vantage points is not the only consideration when assessing the effect of a scheme on the character and appearance of the area, and the wider landscape. The mitigation from the existing hedgerows would be limited, and as such would fail to sufficiently overcome the harm arising from the further encroachment into the countryside.

Landscape Character

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

The site is within the Landscape Character Area I1 known as 'Ashridge Farmed Clay Lowland':

'A simple farmed landscape dominated by open arable fields and some pasture, with mature hedgerow trees marking former hedge lines. Wooded horizons created by large deciduous blocks line a subtle ridgeline, cut by a network of small tributary streams. Settlement is focused on ribbon development along the local roads, scattered farmsteads and manor houses. The strong rural character is only affected by the M4 and A329 (M) which cut through the area'

While the site is not within a defined 'Valued Landscape, identified in the Valued Landscapes Topic Paper submitted as part of the evidence informing the Local Plan Update submission, the LCA has valuable landscape attributed that relate to the site including a strong rural character with large deciduous woodland blocks and sparse settlement which create a strong sense of place, a wooded skyline and a remote quality which result in a sense of tranquillity.

The Landscape Strategy is to conserve and enhance the existing rural character. The key aspects to be conserved and actively managed are the characteristic wooded ridges and woodland, including ancient woodland. In particular there are opportunities to restore coppice management, and reinstate and repair key hedgerows with hedgerow standards. In terms of development, the aim is to conserve the sparse settlement pattern through controlling development.

The proposed dwelling, due to the further encroachment into the open countryside and its out of character form, would fail to retain or enhance the landscape character as required by policy TB21. Although the impact of the proposed development would likely be mitigated to a degree by the site's relationship with neighbouring development and the existing hedgerows, these factors would fail to retain the site's existing contribution to the existing rural landscape character owing to the loss of undeveloped grassland. Moreover, the partial screening provided by the existing hedgerows would be a weak

mitigative measure as they could be removed in the future. The Inspector states at appeal decision APP/X0360/W/24/3336959 that landscaping cannot be relied upon for screening development. Paragraph 10 states: *“Whilst the existing hedgerow would provide some screening, this could not be relied upon to remain in perpetuity”*.

Furthermore, they state that development to the rear of the site would “erode the sparse ribbon pattern of development which contributes to the rural character of the area” (paragraph 11). This is reiterated at paragraph 14. However it is noted that this appeal was for equestrian development which was considered to preserve the character of open arable fields and the agricultural setting, which in this case a large residential dwelling would not.

Overall, the proposal would have a detrimental effect upon the character and appearance of the countryside by reason of the urbanising encroachment, pushing built form beyond the established building line within this section of Forest Road, and its out of character form. The proposal fails to meet the exception criteria set out in Core Strategy policy CP11, and it would fail to retain or enhance the landscape character contrary to MDD Local Plan policy TB21.

The proposal would also conflict with Core Strategy policies CP1 and CP3, as well as MDD Local Plan policy CC03. These policies require, amongst other matters. That development protects landscape features, maintains the high quality of the environment, and avoids a detrimental impact upon the landscape.

Dwelling Mix:

Paragraph 129 of the NPPF, a key policy referred to in paragraph 11(d), states that LPAs should support development that makes sufficient use of land, taking into account factors including: *“(a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it”*.

Policy CP5 of the Core Strategy requires an appropriate mix of dwelling types, tenures and sizes so that the housing needs of the community are met. Policy TB05 of the MDD Local Plan requires an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.

The intent of Council’s policies are to provide a mix of accommodation to cater for the varied needs of the community and to ensure that it is provided where it is needed. It must take account of a variety of living arrangements including but not limited to families, extended families, couples, single parents, first home owners, aged residents (including those looking to downsize) and those on low income. Provision of affordable housing is also paramount.

In this case, the proposal would create 1no. 4+ bed large family sized dwelling. The proposal would not be out of character in this respect. Given the scale of the proposal, there are no objections in terms of the site’s contribution to the dwelling mix within the area and the borough as a whole.

Neighbouring Amenity:

At this stage, the proposal must demonstrate that the amount of development (1 dwelling) can be accommodated on the application site without significant impact on residential properties in terms of overlooking, overbearing and loss of light.

The indicative layout shows the proposed dwelling having a flank-to-back relationship with The Vale, the adjoining residential property to the south, with an approximate separation distance of circa. 33.5m from the main dwelling and 9.5m from its ancillary garage building. Due to the indicative orientation of the proposed dwelling and the separation distances shown on the submitted plans, it is considered that the site could accommodate 1 dwelling without a detrimentally harmful impact on existing neighbour amenity.

However, further consideration would need to be made at reserved matters stage as to how the access would function, and whether the additional comings and goings from the additional 4+ bedroom dwelling would harm the amenity of the neighbours at The Vale considering the narrow access to the plot and the requirement to drive between the outbuildings at The Vale and the dwelling itself in order to access the proposed dwelling.

Highway Access and Parking Provision:

Policy CC07 and Appendix 2 of the MDD Local Plan set out the parking standards for development, noting that these should be regarded as a starting point with each site assessed on its own merits. P3 of the Borough Design Guide SPD notes that parking spaces are to be a minimum of 5m x 2.5m. P3 of the Borough Design Guide SPD notes that parking spaces should be safe and convenient, close to the dwelling and sited to minimise impact upon safety.

In line with Policy CC07 and the latest Building Regulations, it is recommended that one electric charging point be included for each dwelling and designed so that it is incorporated within the design of the building. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum cycle parking standards and Policies P2 and P3 of the Borough Design Guide SPD ensure that it is conveniently located, secure and undercover and provided where it is compatible in the street scene. According to the Council's Parking Standards, three cycle parking allocations will be required per dwelling with 6+ habitable rooms.

The Council's Highways Officer has reviewed the proposal and noted that the traffic generated from 1 additional dwelling is unlikely to have significant impacts on the wider highway network. At this stage, the number of habitable rooms is unknown, and full details of the parking provision, access and turning area would need to be submitted as part of any reserved matters. Nonetheless, it appears that the site area could accommodate the above requirements. Full details of access are also reserved at this stage. The indicative layout shows access via the existing private drive serving The Vale.

Ecology:

Paragraph 174 of the NPPF is clear that new development should contribute to and enhance the natural environment by minimising impact on and providing net gains for biodiversity. Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

A Preliminary Ecological Appraisal (Elite Ecology, 14 March 2025) was submitted in support of this application. This has been reviewed by the Council's Ecology Officer, who concludes that the identified loss of on-site habitat units (predominantly categorised as improved grassland) could be sufficiently compensated through mitigative measures during the development and enhancement measures post-development. As such, they have raised no objection to the proposal subject to conditions requiring these matters to be approved at the reserved matters stage.

Biodiversity Net Gain:

Biodiversity Net Gain is mandatory for major and minor planning applications unless the development meets the exception criteria set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#). In the event planning permission is granted, and the exceptions do not apply, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 grants permission subject to the condition “(the biodiversity gain condition”) and 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.

Section 8(1) of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 states that development which:

- a) consists of no more than 9 dwellings;
 - b) is carried out on a site which has an area no larger than 0.5 hectares; and
 - c) consists exclusively of dwellings which are self-build or custom housebuilding
- is exempt from the mandatory BNG requirement of 10% post development.

The applicant has confirmed in writing that this application is for a self-build dwelling. The proposal would therefore meet this exemption and a 10% BNG is therefore not required in this instance.

This would need to be secured by condition in the event of an approval as this is the only mechanism to ensure delivery of a self-build dwelling. However, there are concerns regarding whether this would meet the 6 tests. There is no alternative robust mechanism other than a S106 planning obligation that would ensure the dwelling would not revert to a market dwelling. It is unclear at this stage whether the application would meet the statutory duty for BNG however this has not been explored further with the applicant given the in principle objections to the scheme.

Building Sustainability:

Policy CC04 of the MDD Local Plan and the Sustainable Design and Construction SPD require sustainable design and conservation and R21 of the Borough Design Guide SPD requires that new development contribute to environmental sustainability and the mitigation of climate change.

Given that this is an outline application with all matters reserved, building sustainability measures would be considered at the reserved matters stage.

Flooding and Drainage:

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding and policy CC10 requires sustainable drainage methods and the minimisation of surface water flow.

The site and access thereto is located within Flood Zone 1 and the proposal represents no additional fluvial flood risk or vulnerability. In principle, the proposal is therefore acceptable in terms of Policy CC09.

Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow. If the application was otherwise acceptable, the required submission of a drainage strategy would have formed a condition.

Other Matters:

While access is a reserved matter, it is noted at this stage that the indicative access shown could be impractical for future occupiers, given its reliance on the existing private drive currently serving occupiers of The Vale exclusively. It may also result in harm to the residential amenity of The Vale in terms of the comings and goings to the proposed dwelling and associated noise.

While landscaping and layout are also reserved matters, the Council's Landscape Architect has raised concern with the apparent lack of 'defensible space' or semi-private space between the shown access and the side of the existing dwellings, further highlighting the impractical nature of the indicative access resulting from the indicative siting and form of the proposed development.

Planning Balance and Conclusion:

The starting point for decision making is the development plan and the proposal conflicts with numerous policies within plan that go the heart of sustainable development.

However, as set out in the Principle of Development section of the report, paragraph 11d(ii) of the NPPF is engaged and this also requires the proposal to be considered against the policies of the NPPF taken as a whole. The tilted balance does not however displace the primacy of the development plan. Paragraph 8 of the NPPF sets out that achieving sustainable development means that development should satisfy three overarching objectives in relation to economic, social and environmental benefits.

Economically the proposed development would enable job creation during the construction period although this would be very limited and short term given the scale of the proposal. The inhabitants would also contribute to the local economy and the continued viability of local services in the surrounding settlements. However, as the proposal is for one dwelling, the economic benefits of the development is considered to carry limited weight in the balance.

Regarding the **social role** the development would perform, the provision of one large family sized dwelling in this location would not make a significant contribution to the Council's housing land supply position. The applicant has confirmed in writing that this would be a self-build project however there is no need for self build dwellings in WBC and the latest figures show acceptable delivery of the Council's self build quota. Without a mechanism to secure this the support for such schemes in the NPPF does not weigh in favour of the proposal. Therefore, a limited social role is performed.

Regarding its **environmental role**, the proposal would constitute encroachment into the open countryside and introduce built form which would fail to relate well with the neighbouring development within this section of Forest Road and have a detrimental impact the landscape character, in particular the rural ribbon development in this location. Although it is acknowledged that additional landscaping and other biodiversity enhancement measures could mitigate this environmental impact to a degree. There are no biodiversity net gain benefits to the scheme.

The development would be located within an unsustainable location with limited sustainable transport options. As such, future occupiers would be reliant on private motor vehicles to access basic amenities and services. This conflict with the local development plan and the NPPF holds significant weight against the proposed development in the balance.

The proposal is reasonably expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards, which would be demonstrated at reserved matters stage. However, this would not offset the energy consumption of the building or the environmental impact of the construction phase and therefore cannot be considered a benefit. In addition, the reliance on private car journeys would also add to the environmental footprint of the development.

The harms identified above are significant, multiple and would be long lasting, and therefore have substantial weight. To conclude, the site is located within the countryside and does not satisfy any of the exceptions set out in Core Strategy policy CP11 concerning development beyond settlement limits in countryside locations and therefore would be contrary in principle to the adopted development plan. However, the Local Planning Authority is unable to demonstrate a 5-year housing land supply and therefore the weight afforded to policy CP11 is reduced, as it relates to housing delivery.

When assessing the proposal against the local development plan and the NPPF as a whole, the proposal clearly conflicts with key policies for directing development to sustainable locations and this is considered to attract significant weight in the balance. Overall, adverse environmental harm resulting from the development, including harm

to the character of the area, has been identified, with limited economic and social benefits arising from the provision of one additional dwelling in this location.

In addition to the above, there is an extant enforcement notice, which was dismissed at appeal, against a mixed use on this site which includes residential development.

As a result, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This application is therefore recommended for **refusal**.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refuse
Date:	9 May 2025
Earliest date for decision:	10 April 2025

Recommendation agreed by: (Authorised Officer)	
Date:	12 May 2025