

REFUSAL OF PLANNING  
PERMISSION

P  
JR5

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1971

To IUFF BUILDING LTD  
C/O ANDREWS KALIK ASSOCIATES  
THE STUDIO  
4 ALEXANDRA ROAD  
READING RG1 5PD

WOKINGHAM DISTRICT COUNCIL  
COUNCIL OFFICES  
SHUTE END  
WOKINGHAM BERKS RG11 1BN

Application No (O ) 25924

Proposal

DEVELOPMENT COMPRISING 177 DWELLINGS WITH FACILITIES  
INCLUDING COMMUNITY CENTRE NURSING HOME SHOPS AND  
RECREATIONAL FACILITIES  
LAND BETWEEN LODGE ROAD AND TAPE LANE ST NICHOLAS  
HURST

The Wokingham District Council in pursuance of their powers under the above Acts hereby REFUSE to grant planning permission in respect of the above development as described in the application and the accompanying plans submitted by you to the Council for the following reasons

- 1 The site is included within an area of the County of Oxford Local Plan which is an unnotated or basically rural area and within which development other than residential and ancillary development within existing settlements will not normally be permitted except in special circumstances such as that essential to agriculture or similar use of land. This policy reinforces general objectives of properly planned development and the conservation of agricultural land and landscape/amenity values. There is insufficient evidence submitted to justify a departure from this policy (R152)
- 2 The proposal conflicts with the proposals contained in the approved Local Plan for Hurst and will be detrimental to the successful implementation of the principles of the plan (R160)
- 3 The proposal represents an unplanned spread of development outside the confines of a village. It will intrude into the rural surroundings of the village and will be detrimental to the character and visual amenity of the area (R86A)
- 4 The proposal will also result in the loss of land capable of agricultural use (R205)
- 5 The proposed development is contrary to policies of the Central Berkshire Structure Plan which state that (R230)

"No further land for housing on major sites will be released before 1983. Phased provision will then be made sufficient for the development of about an additional 8000 dwellings on major sites" (Policy H4)

"The County Council proposes some continued development on small sites on the fringes of the main urban areas and in other settlements outside the confines of the existing built-up areas of Reading, Wokingham and Bracknell. Normally such development will only be permitted if it involves infilling, rounding-off or small scale redevelopment. Development should be appropriate to the physical, social and visual character and structure of the settlement and conform with other policies in this plan" (Policy H6)

"It is the County Council's policy that the local planning authorities in considering proposals for development and in drawing up local plans to guide this development should take full account of the need

- (a) To safeguard areas of special architectural, historic townscape or landscape character, whether or not they are designated conservation areas
- (b) To prevent additions to existing sporadic or dispersed development which is not within an existing settlement possessing a basic range of services
- (c) To ensure in towns, villages and suburbs that undeveloped land that has a special visual significance in relation to the character of the place is identified and safeguarded from development
- (d) To protect important open land between settlements particularly between Wokingham and Bracknell (Policy EN2)

"Within areas wholly or partly given over to rural land uses (whether or not productive) or having a rural character, the conservation of productive land and the landscape should be a dominant concern and there is a presumption against development except in the following categories:

- (a) Development essential to the use of land for agriculture or forestry
- (b) Mineral extraction
- (c) Development associated with recreation of a scale and type appropriate to the countryside
- (d) Public utilities which cannot be located elsewhere
- (e) Any other purpose wholly appropriate to a rural area (Policy EN5)

6 The proposed development is contrary to the following proposed policies contained in the Review of Berkshire's Structure Plans Submission Document -

Policy H1, H2, H3, H6 (Housing Development outside existing settlements) (8015)

Policy EN1 (General policies limiting the spread of development - Land outside settlements) (RV18)

Policy EN4 (General policies limiting the spread of development - Settlements and their setting) (RV20)

Policy EN5 (General policies limiting the spread of development - Built areas and the countryside) (RV21)

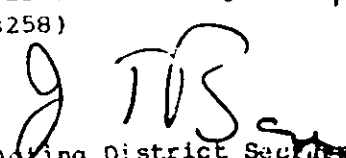
Policy EN2b (Berkshire's heritage - Archaeology) (RV40)

Application No 25924 continued

7. Under the provisions of Article 12 of the Town and Country Planning General Development Orders 1977-81 the Berkshire County Council, as Highway Authority has directed that permission be refused for the following reasons -(R261)
8. The distributor road system is overloaded at peak times and the additional traffic which would be generated by this proposal will exacerbate this situation (R276)
9. The distributor road system is substandard and the additional traffic which would be generated by this proposal would adversely affect the flow and safety of traffic (R277)
10. The proposed development does not make provision for acceptable links to the surrounding footway network (R258)

Date

13 AUG 1986

  
Acting District Secretary

N.B. A statement of the applicant's rights is attached



# Departments of the Environment and Transport

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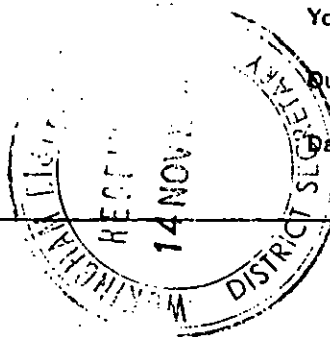
ARK/EB/LUFF

Our reference

APP/H0330/A/86/56045

Date

10 NOV 1988



Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36

APPEAL BY LUFF BUILDINGS LIMITED

APPLICATION NO. 25924

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr J M Steers BA (Mapo) Registered Architect who held a local inquiry into your clients' appeal against the decision of Wokingham District Council to refuse outline planning permission for residential accommodation for the the elderly (over 55) including shops, community and medical centre and nursing home on land between Lodge Road and Tape Lane, Hurst,
2. A copy of the Inspector's report was enclosed with the Department's letter of 2 February 1988. The inspector's conclusions are now reproduced in Annex A to this letter. He recommended that the appeal be dismissed.
3. The Department's letter of 2 February invited your clients, the District Council and other interested parties to make representations as to how or whether the Secretary of State's proposed modifications to the Replacement Structure Plan affected their arguments on this appeal. The response from the main parties is made in your letter of 25 March on behalf of your clients, in the District Council's letter of 3 March and in the County Council's statement of 31 March 1988. Copies of these letters are appended at Annex B to this letter.
4. The main points of your clients' further representations are first, on the matter of housing land supply, that the issue now falls to be considered in the light of the proposed modification to the Replacement Structure Plan to increase housing provision in the district, and the subsequent invitation by the Secretary of State to SERPLAN to consider the figures and implications of the recently published 1985 - based projections which indicate an identified 14% growth rate in the South East Region. The proposed modifications accept that additional development will involve an impact on the environment and infrastructure but puts this in context with the need to secure protection from development for land within the Green Belt and Areas of Outstanding Natural Beauty. As for the way in which the modifications affect calculations of housing land supply, you drew attention to an appeal decision of 14 January 1988 (APP/C0305/A/84/24352) which in your view supports the continued use of a calculation based on the Central Berkshire area and an annual building rate until such time as the Replacement Structure Plan is finally approved. You consider that on this basis there is considerably less than a 5 year supply of housing land and therefore a strong presumption in favour of the appeal development. You say that the appeal proposals are capable of early implementation.



and will go some way to meeting identified pressures in the early part of the Structure Plan period to 1992.

5. As for environmental and social issues, you submit that the Inspector's conclusions were reached on the basis of his assumption that there was a sufficiency of housing land and they now need to be re-assessed in the light of the proposed modifications, with particular reference to paragraph 1.11 of the Secretary of State's Statement of Reasons which is clear that land without special designation cannot be considered immune from the possibility of development. You enclosed a plan showing changes in land uses around the appeal site since the inquiry. You argue that in concluding that the appeal proposal would project into open countryside and alter the form and visual character of the village, the Inspector does not identify any national, regional or development plan objective that would be harmed by this. In your view, any development on new sites in the Wokingham area will, if well related to existing settlements, inevitably be on open land which is visible from the road network and adjacent housing.

6. On the social issues, you argue that the proposed modifications make no reference to the provision of specialist forms of housing and it is particularly important, therefore, that full weight is given to the evidence of need for such housing. The Inspector has pointed to draft District Plan policies which seek to make the area attractive to people in the younger age groups. The statistics show that these policies do not appear capable of implementation and the Secretary of State may wish to consider whether policies which prove to be ineffective should act as a stumbling block for alternative proposals.

7. In their letter of 31 March the District Council submit that the situation regarding housing land supply is simplified by the proposed modifications because it is now possible to make calculations by the residual method at the District level. It was agreed at the appeal inquiry to take the 5-year period 1 April 1987 to 31 March 1992. Disregarding recent appeal decisions to allow development and including an allowance for small unidentified sites of less than 0.4 hectares, the Council submit that there is 5.49 years' supply of housing land.

8. In summary, on the countryside and environmental issues, the Council say that it is clear that the proposed modifications contain environmental policies which continue to support their argument that the appeal proposal is unacceptable, and provide a policy background to the conclusions which the Inspector has reached on these issues. The District Council's letter of 25 July enclosed details of an interim housing strategy adopted by the Council for considering applications for planning permission for dwellings in the period between the publication of the proposed modifications to the Replacement Structure Plan and its approval. The strategy seeks to ensure that, pending approval of the Replacement Structure Plan, the fundamental concept of reducing the rate of housing growth in accordance with Policy H1 of the proposed modifications of the Secretary of State is not prejudiced by the granting of planning permission in excess of the provision required by the policy.

9. The County Council argue that while the Replacement Plan must now attract considerable weight, there are substantial objections to the proposed modifications and it is by no means certain that these will be confirmed. In their view, the Replacement Plan as submitted should be used as the basis for calculations of housing land availability and on that basis it can be shown that there is more than a 5 year supply in each of the Districts at April 1987.

10. Representations were also received following the Department's letter of 2 February from I J H Richardson, Frederick J Young on behalf of the Hurst Village Society, N Morley, Mrs J Fiennes, G T Leslie, Mrs N F Bassett, Mrs R N Noble, Professor D C Bassett, G J Siddall, G E Langton, and the St. Nicholas Hurst Parish Council. All of these re-iterate their earlier objections to the appeal proposal and feel strongly that the proposed modifications re-inforce the Inspector's conclusions on environmental and visual issues, and the validity of his recommendation that the appeal be dismissed.

BERKSHIRE. The site is not now identified as a strategic location for new housing but that is not seen to affect the arguments put forward by the parties on this appeal.

12. In determining this appeal, the Secretary of State has had regard to all the representations received before and since the inquiry and to the Inspector's report and the evidence put in at the inquiry.

13. The Secretary of State has considered the evidence and the Inspector's conclusions. In his opinion a prime factor in this case is the effect of the proposal on the Parish of Hurst, the appeal site and its surroundings.

14. As pointed out at the inquiry, the Replacement Structure Plan contains a strong presumption against development which increases the visual intrusion by buildings on the countryside and extends development beyond tree belts or other natural features which soften or screen the edge of built-up areas.

15. It is accepted that there is existing development to the north, south and east of the appeal site and that it is for the most part bordered by trees and hedges. However, having regard to the environment policies and to the physical characteristics of the Parish of Hurst and the appeal site and its surroundings, the Secretary of State agrees with the Inspector that development of the appeal site would project development into the open countryside.

He also accepts the Inspector's conclusion that while the proposed development may not substantially breach the tree and hedge line along Tape Lane it would extend beyond and then lead to a breach in the tree and hedge line on Lodge Road. He shares the Inspector's view that the proposal would represent an intrusion into the countryside and would, by substantially filling in the inside area of what was described at the inquiry as an inverted 'C', completely alter the form and visual character of the village. He further agrees with the Inspector that extension westwards of development would tend to visually close the gap between the development to the north and south to the detriment of the visual amenity of the area. The Secretary of State notes the plan submitted with your letter of 25 March up-dating the land uses that apply to the area surrounding the appeal site, and the appeal decision of 21 September 1987, (ref: APP/HO330/A/86/528-53) enclosed with your letter of 27 November 1987, but in his opinion the objections identified by the Inspector remain valid.

16. As for the social issues, the Secretary of State does not doubt that the proposal, because of its size in comparison with the main built-up part of Hurst, would have a major effect both in relation to the character of the village itself and on the existing community. It might well have the effects on the social structure suggested by the Inspector, and the introduction of some 300 persons in the 55 plus age group could have a negative effect on the vitality of the village. As the Council recognise, it is difficult to be objective about such matters. However, the Secretary of State does not consider this to be a critical factor in this case although it seems to him to lend weight to the arguments against the proposal.

17. You argue in your letter of 25 March that in concluding that the appeal proposal would project into open countryside and alter the form and visual character of the village, the Inspector does not identify any national, regional or development plan objective that would be harmed by this. While it is accepted that in some villages provision can be made for modest development without damage to the countryside, and that this can help to sustain smaller communities, Departmental advice on development in rural areas, most recently embodied in Planning Policy Guidance 7, considers that sites should be well-related in scale and location to existing development, patterns of settlement and surrounding land uses. As explained in paragraph 13 above, the Secretary of State does not consider this to be the case here. He is satisfied that the proposal conflicts with objectives underlying strategic policies contained in the recently approved Structure Plan for the protection of the countryside, and for the control of development in villages, and he also has in mind the objective in his Strategic Guidance of 17 June 1986 to accommodate new development while conserving the countryside.

18. Your clients have produced evidence of a need for the type of accommodation proposed and contend that there is a shortfall in the housing land supply. However, the Secretary of State agrees with the Inspector that the proposal would cause demonstrable harm to interests of acknowledged importance and in his opinion the objections identified above are sufficient to justify a refusal of permission for the development of this site whatever the position on land availability and even in those circumstances where there was shown to be a presumption in favour of development under paragraph 29 of the Planning Policy Guidance 3, or a need for the type of development proposed. In the light of these conclusions, the Secretary of State does not find it necessary to express any view on the issue of housing land availability.

19. For all the reasons given above, the Secretary of State accepts the Inspector's recommendation and hereby dismisses your clients' appeal.

I am Gentlemen,  
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'Jennifer R Pool'.

MISS J R POOL  
Authorised by the Secretary of State  
to sign in that behalf.

## CONCLUSIONS

Bearing in mind the above facts:

### Appellants' Case

326. The main thrust of the appellants' argument is that there is a special need for accommodation for people heading towards retirement together with ancillary facilities for their well-being and to cater for leisure pursuits. Such need is considered sufficient to override restrictive environmental policies contained within the statutory Structure Plan, the non-statutory District Plan and in the emerging Replacement Plan. However, it is contended that by its location and by the characteristics of the site, enclosed for the most part by tree and hedge lines, that the development would not be harmful to the visual amenity of the area or to the character of Hurst.

327. The appellants also argue that a presumption in favour of housing should apply as they consider that there is an identifiable shortage of a 5 year supply of housing land in Central Berkshire.

### Land Availability

328. There is a fundamental disagreement between the 2 parties on the method of calculating the supply of housing land. In the past it has been accepted that the residual method of calculation has not been appropriate in relation to Central Berkshire due to the contingent nature of the Structure Plan and lack of end dating of Policy H4, viz the provision of an additional 8,000 houses after 1982. This, together with growth area status, has led to the use of annual building rates in land supply calculations. This rate has fluctuated since the publication of the Structure Plan, but a figure of 3,000 dwellings per year has been accepted and endorsed by the Secretary of State in a number of recent appeal decisions. In fact annual building rates over the last 4 years have been well in excess of that figure with peaks in 1983/4 and 1984/5 of 4,156 and 3,938 dwellings respectively. The average over the last 5 years being some 3,545 dwellings per annum. This figure is well above the original 'rapid growth' trajectory contemplated in the Structure Plan (Table 4.1) of 31,600 dwellings (3,160 dwellings per annum) for the period 1976-86.

329. However, in a letter to the Chairman of SERPLAN dated 19 June 1986, the Secretary of State while endorsing the major strategic objectives of the Region's development which included accommodating new development while conserving the countryside, stated that "... the scale of future housing provision proposed by SERPLAN does not indicate a continuing need to concentrate a large part of development in major growth areas". Accompanying the letter was an annex which included the distribution of additional dwellings (inclusive of conversions) for the whole of Berkshire as 25,500 (2,550 dwellings per annum) over the period 1991-2001. This guideline together with the draft policies in the Replacement Plan (which covers the whole of Berkshire) clearly indicated a move at both national and local level away from rapid growth in Berkshire.

330. It would appear to me therefore that at this point in time that consideration has to be given to 3 possible methods of calculating a 5 year land supply from a base date of 1 April 1987.

331. Firstly, by reverting back to the residual method of calculation for Central Berkshire. The appellants do not consider that such a method is appropriate in this case. The council, although having some reservations, consider that while it was not an appropriate basis in the past now that the Structure Plan is nearing the end of the plan period, and the additional provision of 8,000 dwellings required under Policy H4 can be included in full, the method could be considered.

332. Secondly, by using the past building rates. This method is favoured by the appellants. Such method however would tend to perpetuate the 'rapid growth' strategy, and I consider that at a time when the Secretary of State has intimated in his strategic guidance the move away from concentrating development in major growth areas that such an approach has to be treated with a great deal of caution. To this end the emerging Replacement Plan has to be considered as a material consideration. While the examination in public panel's report has not yet been submitted to the Secretary of State, the aim of the Replacement Plan is towards limited growth. A continuation of rapid growth, that would ensue from the use of past building rates, would extend such growth well into the Replacement Plan period. Obviously there cannot be a sharp change from rapid to limited growth due to the commitments arising from planning permissions already granted but, if the proposals contained within the Replacement Plan are not to be compromised, even if substantial modifications are eventually to be made to the plan, account has to be taken of the principle of moving away from rapid to limited growth. The council concede that if this method were to be used there would be a shortfall in the 5 year supply of housing land, viz 3.7 years on a land supply of 11,086 at the base date.

333. The third method would be to use a residual calculation based on the proposals contained within the Replacement Plan, again this finds no favour with the appellants. However, the Replacement Plan, which covers Berkshire as a whole, could enable a calculation to be done on a district basis and to this extent this method finds favour with the council. This method would indicate a 9.4 years' supply in the Wokingham district from the base date (local authority calculation).

334. In my opinion the methods favoured by the 2 parties, viz on annual building rates and on the Replacement Plan, represent the 2 extremes at this point in time, that is rapid growth as against limited growth. By using the residual method of calculation based on the requirements of the Central Berkshire Structure Plan I consider that a satisfactory compromise between the 2 strategies of rapid and limited growth would be achieved. While the residual method has not found favour in the past I take the view that because of the special nature of the timescale and the overlap occurring between the outgoing and the emerging Structure Plans that it would be an appropriate method to use at this time.

335. There is a dispute between the parties as to the land supply situation as at the base date. The council putting in 2 figures, namely 11,566 dwellings which includes 3 recent appeal decisions, and 11,086 dwellings which excludes them. In my opinion the dwellings covered by the 3 decisions should be excluded as they fall beyond the base date. The appellants indicate a figure of 10,942 dwellings. The difference of 144 dwellings between the appellants' figure and the council's lower figure is in relation to the completion rate on a site at Woodley Airfield.

336. There is no dispute between the parties as to the provisions of Policies H1 and 4 of the Central Berkshire Structure Plan, namely 31,700 plus 8,000 dwellings (1 Jul 1976-30 June 1991); but there is disagreement in relation to the provisions under Policy H2 (small sites). The council using the Structure Plan figure of 3,750 dwellings (250 dwellings per annum), and the appellants 8,220 dwellings (548 dwellings per annum) which is the actual out-turn. While the actual out-turn figure are a fact they are in my view a result of 'rapid growth' strategies, and for the purpose of this calculation consider that during the transitional period between the outgoing and the emerging plan the extant Structure Plan figure of 3,750 would be the more appropriate to use.

337. The resultant land availability calculation (Document 8/J) would result in a 5.02 years' land supply from the base date on a land supply for 11,086 dwellings. If the appellants' land supply figure were to be used then there would be a supply of 4.95 years.

338. The difference between the parties on the land supply figure of 144 dwellings is, as has previously been mentioned, in relation to the rate of completions on a site at Woodley Airfield where the developer has intimated a slowing down of completion rates from that previously achieved. Obviously market forces have to be taken into consideration, but it would appear to me that on a site with no constraints and which is already being developed in an area of high demand that it would, notwithstanding the letter submitted by the developer of that land (Document 4/42), be capable of sustaining or improving on past rates.

339. It is appreciated that the calculation indicates a narrow band around the 5 year figure, and that calculations of this nature cannot be very precise. However, I am of the opinion that at the base date there is just a 5 year supply of land, and that if account is taken of the principle of limited growth provision in the Replacement Plan then there should not be a presumption in favour of housing under the terms of Circular 15/84.

340. To this extent I have paid particular note to the case of Bolton Borough Council v the Secretary of State for the Environment and Barratts (Manchester) Ltd (Queen's Bench Division, Kennedy J, 28 April, 1987) (Document 7/70, page 555) in which the judgement, among other things, concluded that "... that the Secretary of State did not fail to take into account the proposed amendments to the Structure Plan. He took them into account at the proper stage that is to say after calculating the housing land requirement in accordance with paragraph 5 of Annex B of Circular 15/84".

#### Environmental and Visual Issues

341. There are restrictive policies contained within the Central Berkshire Structure Plan which seek to prevent major development on sites within the countryside (Policy EN5), and to maintain a clear physical distinction between built-up areas and the countryside (Policy EN2). The appeal site is shown to be outside the village envelope as defined in the non-statutory District Plan. Policy EN4 of the emerging Replacement Plan places a strong presumption against development which increases the visual intrusion by buildings on the countryside and extends development beyond tree belts or other natural features which soften or screen the edge of built-up areas.

342. The appellants argue that as the appeal site is contained by existing development (described as an inverted 'C'), roads and strong hedge lines it is suitable for development notwithstanding the fact that it lies outside the built-up area of the village. They contend that little weight should be given to the District Plan as it is not a statutory plan, and that any policies contained therein have to be balanced against the clear housing need for the area.

343. The council have placed great stress on the fact that Hurst parish contains a number of settlements with the main built-up area being centred around Whittlesey Green and Wards Cross, the 2 being linked by development along one side of the A321.

344. In my opinion the development of the appeal site within the area enclosed by the inverted 'C' would project development into the open countryside notwithstanding the fact that the site is enclosed by hedges and trees and is bordered, at least in part, by the B3030 to the west. The western extremity of the village along Tape Lane is clearly defined both by the narrow road and a well-established tree and hedge line separating the developed area from agricultural land. The indicative proposal, which shows vehicular access onto Lodge Road, highlights the importance of Tape Lane as the boundary in that it is of insufficient width to support development to the west. While the proposed development may not substantially breach the tree and hedge line along Tape Lane it would extend beyond and then lead to a breach in the tree and hedge line on Lodge Road. In such circumstances I consider that the proposal would

represent an intrusion into the countryside and which would, by substantially filling in the inside area of the inverted 'C', completely alter the form and visual character of the village. The introduction of development onto the appeal site would produce a substantial mass of building which would be visible from the B3030, both from the existing viewpoints of the site from the south-west and also from the proposed access on Lodge Road. This extension westwards of development would tend to visually close the gap between the small area of development on Lodge Road (to the north of Sawpit Lane) and the development along Lodge Road at Whistley Green to the detriment of the visual amenity of the area, i.e. that of existing trees and hedges and occasional views across open land towards development along Tape Lane behind the trees and hedgerow thereto.

#### Social Issues

345. The proposal would, because of its size in comparison with the main built-up part of Hurst, have a major effect both in relation to the character of the village itself and on the existing community.

346. It would substantially increase the size of the village over a comparatively short period of time, and at the same time introduce extensive community and recreational facilities. Some of the facilities would no doubt be of benefit to the local community if the proposal to make such facilities available to the existing residents were to be followed through. However, it would appear that the proposal would also include facilities which are already found within the built-up part of the village, namely shops and community halls. The effect of such, together with the provision of other facilities, could lead to the existing community being 'pulled away' from its long-established facilities towards those on the proposed development. This would lead to the integration of the village with the new development rather than the reverse. This may not in itself be a bad thing if it were not for the fact that the new development would be entirely for the age group of 55+. It is acknowledged that Hurst already has an above-average elderly population, but the drawing of the community towards a large elderly persons' community would not in my view be socially desirable, especially in relation to younger members of the community, no matter how good the facilities are to be within the proposed scheme. Policies within the District Plan, which in my view has to be given due regard in view of the public consultation processes that have been held, seek to make the area more attractive to younger age groups. The proposed development by increasing the percentage of over 55's from some 28.6% to 39.8% would run contrary to such aims. In my opinion the proposal would, in terms of its size, substantially alter the character of and the social structure of the village.

#### Highways and Traffic

347. The local highway authority, although concerned about increases in traffic flows, agree that provided the scheme is restricted to the over 55's their objection to the scheme on its effects on the distributor road network in the area could be withdrawn. They still maintain, and this is agreed to by the appellants, that if the scheme had been for general housing the distributor road network would not have been able to cope with the additional traffic flows. Concern is raised about the lack of footways along certain stretches of roadway. Provision of footways from the appeal site to nearest footways in Sawpit Lane/School Road, Tape Lane and Lodge Road could be constructed, although agreement and contributions from the developer would be required for such works with the exception of the footway leading to Tape Lane. With regard to the lack of footways on the south-western side of the A321 south-east of Tape Lane, and on the eastern side of Lodge Road north of Whistley Green difficulties would arise as not all the land required for those footways is owned by the local highway authority. Thus the acquisition of the land by agreement or Compulsory Purchase Order would be required. In the case of works along the A321 buildings would also be involved.

348. A footway on the eastern side of Lodge Road north of Whistley Green would provide a pedestrian route from the appeal site to the Elephant and Castle public house, whereas the one on the south-western side of the A321 would provide access to the butcher's shop and general store/post office. Both these lengths of footway are really needed now for local residents, although there is a footway to the Elephant and Castle along the A321. However, the introduction of at least a further 177 people to the village would lead to greater hazards of pedestrian/ vehicular conflict in those parts of the village with no or only one-sided footway provision. Lodge Road at its northern end has no made footpaths although there is a verge strip on the eastern side. In my opinion a footway along the eastern side is desirable. In respect to the A321 there is a footway, of limited width, on the northern side and one on the southern side would in my view be desirable if the population of the village were to be substantially increased. However, as it does not appear possible to use Compulsory Purchase Order powers under Section 278(5) of the Highways Act 1980 where contributions are involved, it would seem unlikely that either of the footways could be constructed. The lack of the footway on the southern side of the A321 would mean, as it does now, that local shoppers have either to walk on the road or cross the road on a number of occasions. Shops on the proposed development would alleviate to some degree that situation, but would not in my view entirely eradicate it.

#### Agriculture

349. The Ministry of Agriculture, Fisheries and Food has raised no objection to the proposal to develop this Grade III land. The appeal site has until recently been in agricultural use and is currently under grass. I can see no reason to suggest why the appeal site could not continue in such use. Furthermore, as the appeal site forms an important part of the distinction between the built-up area of Hurst and the countryside it should be retained in its present state. To this end the advice given in paragraph 3 of Circular 16/87 is particularly pertinent in that it identifies the need to "... protect the countryside for its own sake rather than primarily for the productive value of the land".

#### Archaeology

350. The council has accepted that their objection to the proposal as being contrary to Policy EN26 of the Replacement Plan could be overcome by a suitably worded condition. The appellants have no objection to such a condition being imposed, and therefore I can see no reason to suggest such a condition would be inappropriate.

#### Summary

351. In my opinion the proposal would be an undesirable intrusion into the countryside by extending and consolidating development beyond the confines of the village of Hurst. It would be harmful to the visual amenity of the area and alter the character of this small village both physically and socially. Accordingly I consider that the proposal would cause demonstrable harm to interests of acknowledged importance. While most of the highway matters can be overcome by agreement it is unlikely that 2 particular areas of concern viz northern end of Lodge Road and the A321, can be resolved and therefore must remain a matter of concern regarding highway safety.

#### CONDITIONS AND AGREEMENTS

352. It has to be remembered that the application is for outline approval with all matters reserved for subsequent approval, and in my view some of the council's suggested conditions (Document 15), in whole or part, are unnecessary at this stage as they relate to matters covered in suggested condition No 1. In other cases the