



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant	Mr R Potyka
Site	Land at Lands End House, Beggars Hill Road, Lands End, RG10 0UD
Local Planning Authority Reference	251124
PINS Reference	6002585

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1 Introduction

- 1.1 This statement of case relates to the refusal of planning permission in principle (“PiP”) by the Local Planning Authority (“LPA”) for the proposed erection of 1 no. detached dwelling.
- 1.2 A PiP planning application was validated by the LPA on 12th May 2025, with LPA reference 251124. The application was refused on 16th June 2025 with four reasons for refusal. This appeal started on 18th December 2025.
- 1.3 A copy of the decision notice of application 251124 with the reasons for refusal is enclosed in Appendix One and the delegated officer report is enclosed in Appendix Two.
- 1.4 The proposal is for a new dwelling on land situated off Beggars Hill Road and includes the creation of a new access, the installation of an access road and the provision of 3no. parking spaces adjacent to the dwelling.
- 1.5 The reasons for refusal are as follows:

1. The proposal represents inappropriate development, outside the development limits within designated countryside, which is contrary to the spatial objectives of the development plan. The proposal as a whole would not fall into any of the exceptional categories, as identified by CP11 of development plan, and is unacceptable in principle. The proposed dwelling, along with car parking, hardstanding and garden fails to integrate with the surrounding countryside. There will be a detrimental visual and urbanising impact on the landscape and the character and appearance of the area in general and surrounding countryside in particular. The proposal is therefore contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy (2010), policies CC021, CC02, CC03 of the Managing Delivery Document (2014) the Borough Design Guide (2012) and the National Planning Policy Framework (2024).

2. The site is not sustainable in transport terms with regards to its location and access to day-to-day services and facilities. Future residents of the development would also not have access to a good standard of bus service and would not have an attractive walking or cycling routes/environments when outside the site. The proposal will therefore result in high dependence on private vehicle use and represents an unsustainable development, contrary to policies CP1, CP3 and CP6 of the Core Strategy and policy CC01 of the Managing Delivery Document, and paragraphs 110 and 115 of the National Planning Policy Framework (2024).

3. The proposed development would fail to protect and enhance the Loddon Valley Valued Landscape and would have a harmful impact on the open and rural character of the area and verdant landscape B1 Loddon River Valley with Open Water landscape character area. This is contrary to paragraph 187 of the National Planning Policy

Framework (2024), CP1 and CP3 of the Core Strategy (2010) and CC03 and TB21 of the Managing Development Delivery Local Plan (2014).

4. The proposed development is located partly within a protected woodland designated under Tree Preservation Order TPO-1611-2017, classified as a 'Woodland' TPO. The proposal would result in the loss and/or deterioration of protected trees, including self-seeded saplings and understorey vegetation, through direct removal, soil compaction, and root disturbance associated with construction, access, and residential use. No arboricultural information or tree constraints plan has been submitted with the application and insufficient information has been provided with regards to the on site veteran trees. As such, the proposal is contrary to policies CP1, CP3 and CP11 of the Core Strategy (2010) and policies CC03 and TB21 of the Managing Development Delivery Local Plan (2014), the Borough Design Guide SPD (2012), the Wokingham Borough Landscape Character Assessment (2019), and section 15 of the NPPF (2024).

2 The Appeal Site:

- 2.1 The appeal site relates to a parcel of land off Beggars Hill Road, within the grounds of the property known as Lands End House, a Grade II Listed Building, built in 1935 by Guy Morgan for Miles the aircraft manufacturer. The proposed plot is located to the southwest of the wider site, as shown by the Location Plan and Aerial Image below.

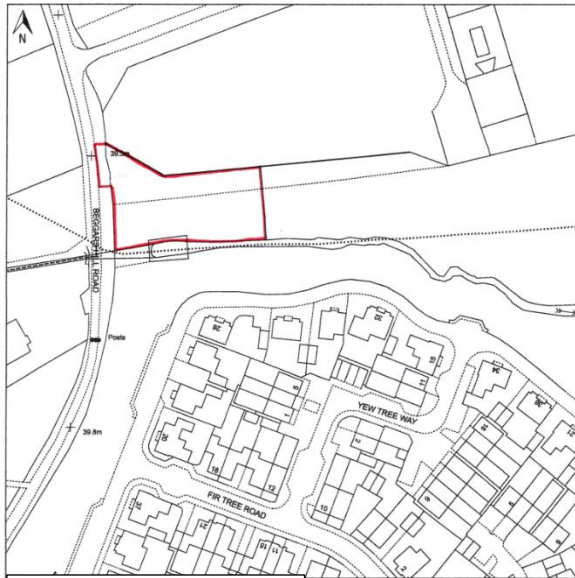


Figure 1 – Location Plan



Approximate Location of Site

Figure 2 – Aerial Image

- 2.2 The character of Beggars Hill Road is synonymous with a typical country lane, where residential development comprises a sporadic pattern of development, with large fields and trees dominating the wider landscape.
- 2.3 The proposed dwelling would sit adjacent to the tree corridor to the south, which is protected by TPO-1611-2017, and this forms a large and distinct barrier between the rural character of Beggars Hill Road, and the large-scale housing development to the south.

3 Relevant Planning History

3.1 The relevant planning history is stated below:

PLANNING HISTORY		
Application No.	Description	Decision & Date
251124	Permission in principle application for the proposed erection of 1 no. detached dwelling.	Refused 16/06/2025

4 Provisions of the Development Plan and Other Policy Documents

4.1 The development plan for the Borough comprises the Wokingham Borough Core Strategy 2010; the Managing Development Delivery (MDD) Local Plan 2014 and supplementary planning documents. Policies and guidance of relevance are listed below and the relevant sections have been sent to the Inspectorate:

- National Planning Policy Framework¹ (2024)
- Wokingham Borough Core Strategy (2010) Policies: CP1, CP3, CP6, CP9 & CP11.
- Managing Development Delivery Local Plan (2014) Policies: CC01, CC02, CC03, and TB21.
- Joint Minerals and Waste Plan (2023)
- Wokingham Borough Design Guide Supplementary Planning Document (2012).
- Sustainable Design and Construction Supplementary Planning Document (2010).
- Wokingham Borough Landscape Character Assessment (2019).

4.2 The site has the following planning constraints:

- Countryside
- Contaminated Land Consultation Zone
- Local Authorities
- Affordable Housing Thresholds
- Borough Parishes
- Scale and Location of Development Proposals
- Great Crested Newt Consultation Zone
- Site Allocations
- Nuclear Consultation Zone
- Tree Preservation Orders
- Borough Wards
- Radon Affected Area
- Landfill Gas Consultation Zone
- Landscape Character Assessment Area
- SSSI Impact Risk Zones
- Ordinary Watercourses Consultation Zone
- JCEB Areas of Search for Sand and Gravel
- JCEB Mineral Safeguarding Areas
- Great Crested Newt Consultation Zone Minor

¹ The NPPF has been updated since the date of this decision, however this only affects the paragraph numbers not the substance of the LPA reasons for their decision.

5 Reasons for Refusal:

- 5.1 This section of the statement will consider each of the four reasons for refusal and respond as necessary to the appellant's comments in their statement. The Inspector is also referred to the officer report.

Refusal Reason 1: Inappropriate Development in the Countryside / Character and Appearance of the Area.

- 5.2 The starting point for the decision-making process is the Development Plan. Section 70[2] of the Town and Country Planning Act 1990 and 38[6] of the Planning and Compulsory Purchase Act 2004 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 Policies CP1, CP3, CP9 & CP11 and Policies CC02 & CC03 of the Development Plan are the most relevant to this issue and are summarised in the officer's report. CP11 seeks to resist inappropriate development in the Countryside.
- 5.4 Chapter 12 of the NPPF promotes good design. This is supported by the National Design Guidance (2021). This states that *"Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary"* including *"the existing built development, including layout, form, scale, appearance, details, and materials."* It further states that it is important to explain how the design relates to the context and local character.
- 5.5 RD1 of the Borough Design Guide states that new development and associated landscape should retain, incorporate and enhance features that contribute towards the landscape character, while R11 requires a coherent street character, including in terms of scale, rhythm, proportion and height. These objectives support the principle of Policy TB21.
- 5.6 The majority of the Appellant's Statement sets out the background to the appeal and the relevant policy context. Pages 14–23 are those devoted to the merits of the proposal and a critique of the Delegated Officer Report.
- 5.7 In addressing the first reason for refusal at paragraphs 6.10 – 6.16 of their Statement, the Appellant makes no substantive attempt to respond to the concerns identified in the Officer Report regarding harm to character. This may be because the Appellant considers such matters to be more appropriately addressed at the Technical Details stage, as implied at paragraph 6.15. Whilst the LPA accepts that matters such as layout and design are not assessed in detail at the PiP stage, it is important to emphasise that the harm identified in the Officer Report relates strongly to the principle of development, namely that the proposal constitutes inappropriate development in the countryside.

- 5.8 The character of the countryside is not a separate or secondary consideration; the premise of CP11 is to protect the separate identity of settlements and maintain the quality of the environment. The character is intrinsic to the nature of the environment. Countryside areas derive their distinctiveness and value from a combination of openness, landscape pattern, historic land uses, and rural settlement forms. Any development that undermines these qualities does so, not only through its physical footprint, but also by eroding the fundamental character and identity of the rural area. In this sense, harm to character is inseparable from the principle of whether development is appropriate in the countryside.
- 5.9 The Appellant places significant reliance on the site's proximity to the Woodley Major Development Location and the Sandford Farm strategic housing allocation. At paragraph 6.14, the Appellant argues that, because much of the appeal site lies partly within the Major Development Location and adjacent to the Sandford Farm allocation, the site should be regarded as a sustainable and acceptable location for residential development. The Appellant contends that, notwithstanding the acknowledged conflict with Policy CP11 of the Core Strategy, the proposal represents a sustainable pattern of development consistent with the nearby strategic allocation.
- 5.10 This argument was advanced at application stage and has already been fully considered by the LPA. No new evidence or justification has been provided to warrant a different conclusion. The appeal site does not form part of the Sandford Farm allocation as defined in the MDD Local Plan 2014 but instead lies within the transitional buffer between the defined development limits and the open countryside. This buffer incorporates the adjacent river corridor and tree belt, which were clearly intended to remain undeveloped in order to protect the natural environment and to mitigate the visual, noise, light and other impacts of the residential development on the rural setting of Beggars Hill Lane. The site has no vehicular link to the Sandford Farm site so is physically and functionally separate from this built-up area so cannot be considered as part of it.
- 5.11 The Appellant acknowledges that the proposal conflicts with Policy CP11 and that none of the policy exceptions apply. This admission alone reinforces the LPA's position, as the key policy test for development in the countryside is not met and conflict remains significant. Even if the policy is considered out-of-date, it reflects a fundamental planning principle of directing development to appropriate locations and protecting the countryside from unnecessary encroachment. In the context of this PiP appeal, the proposal is unacceptable in land-use terms, as it would result in unjustified and harmful intrusion into the countryside. By conceding the absence of any qualifying exceptions, the Appellant effectively accepts that the proposal fails this fundamental test. In the context of this PiP appeal, the proposal is therefore clearly unacceptable in land-use terms, as it would result in an unjustified and harmful intrusion into the countryside. The Appellant's own acknowledgment of the policy conflict underscores that there is no basis for the appeal to succeed, and that the development is incompatible with the overarching objectives of national and local planning policy.

Reason for Refusal 2: Sustainability of Location

5.12 A key spatial issue for the borough as set out in the Core Strategy is ‘to concentrate development in the areas with best access to users/occupiers and other services’

5.13 Policy CP1 states that development should:

10 “Provide attractive, functional, accessible, safe, secure and adaptable schemes”

11 “Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6.”

5.14 Policy CP3 states development should ‘provide a functional, accessible, safe, secure and adaptable scheme’

5.15 Policy CP6 states of the Core Strategy states that:

‘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;’

5.16 The supporting information in policy CP6 states that:

‘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.’

5.17 Policy CP11 refers to limiting development outside of settlement limits for several reasons including reducing the reliance on private motor vehicles:

‘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. Proposals for development, which would be an increase over what currently exists (outside development limits) are likely to lead to

increased use of the private car as they are poorly served by other transport modes contrary to Policy CP6.'

- 5.18** In paragraph 6.18 of their Statement, the Appellant once again refers to the site's relationship with the settlement limits of Woodley and the Sandford Farm strategic housing allocation, asserting that because some of the site lies within the Major Development Location and adjacent to the allocated site, it should therefore be regarded as geographically sustainable. However, as with the arguments advanced in response to the previous reason for refusal, this approach fails to acknowledge that a substantial proportion of the appeal site lies beyond the defined development limits, within the open countryside. Accordingly, the sites proximity to key services and facilities is of fundamental importance, which was assessed in the Officer Report, and led to the reason for refusal 2.
- 5.19** Notwithstanding the appellant's earlier submissions, they have undertaken their own sustainability analysis, as set out at paragraphs 6.19–6.23 of their statement.
- 5.20** At paragraph 6.19, the appellant asserts that people will generally walk up to 2km to access services and facilities, citing guidance produced by the Chartered Institution of Highways and Transportation (CIHT). While this guidance represents recognised professional best practice within the highways and transportation field, it does not have statutory status, it does not form part of the Development Plan, and cannot determine whether a site is sustainable in planning policy terms. As set out in the Officer's Report, although the site is not wholly detached from services in Woodley, pedestrian connectivity is poor, with inadequate infrastructure linking the site to those facilities. As a result, the practicality and attractiveness of walking such distances is significantly diminished. This concern would be exacerbated during the winter months, when reduced daylight hours and adverse weather conditions are likely to further discourage walking.

5.21 Notwithstanding the above, 2km is considered to be a modest distance to walk to facilities and exceeds the CIHT (Chartered Institution of Highways and Transportation) “desirable” 400m walking distance (500m for schools) and “acceptable” maximum walking distance of 800 metres (1km for schools) as well as exceeding the recommended “preferred walking distance of 1.2km (2km for schools). Whilst the Manual for Streets (MfS) advises that walking offers the greatest potential to replace short car trips, particularly those under 2km, it also sets out that walkable neighbourhoods are typically characterised by having a range of facilities within 10minutes walking distance of residential areas (up to about 800m). That is reiterated in the Council’s Design Guide SPD. The location of the proposed development exceeds all these standards, as detailed further in the table below, which sets out the distances (measured from a point in the centre of the appeal site) to various facilities and services that would serve the day-to-day needs of the residents of the proposed dwellings. The distances are based on the actual routes pedestrians would use via the pedestrian access from Beggars Hill Road.

Destination	Location	Distance (Km)	Time (minutes)
Shops	Woodley Town Centre Precinct	3km	42
Schools	Woodley CofE Primary School	800m	18
	Rivermead Primary School	3km	41
	Waingels College	1.6km	22
Places of Worship	St Johns Church	2.2km	30
Leisure	Bulmershe Leisure Centre	4.1km	56
	Woodford Park Leisure Centre	3km	42
	Woodford Park	2.9km	40
Employment Areas	Beech Court (business estate)	3.7km	51

5.22 As stated above, this table shows that only a limited range of facilities and services would be within an acceptable (or even the preferred maximum) distance from the site.

5.23 The appellant refers at paragraph 6.21 to the proximity of the ‘Orange 14’ bus service operated by Reading Buses, located along Mollison Close, approximately 630 metres to the south of the site. The CIHT (CD 15) recommends a maximum 400 metres walking distance to bus stops and this bus stop exceeds that distance. Notwithstanding this, the route to the bus stop includes an unlit isolated wooded footway (at the end of Beggars Hill Road) which is likely to deter uses particularly children, older people and those with mobility impairments.

- 5.24 The presence of this service does not overcome the fundamental concerns identified above regarding the poor quality of pedestrian infrastructure in the vicinity of the appeal site. Moreover, the availability of a single regular bus service, located at what would be considered beyond the upper limit of a reasonable walking distance, does not in itself render the site a sustainable location for new residential development. However, the availability of a single bus route of modest frequency reducing its practicability for day-to-day use.
- 5.25 The site is in an area which does not have good accessibility to local services by sustainable modes or the opportunity to transfer away from the car. This would be contrary to principles behind the Borough's design guidance and Manual for Streets and hence not lead to a reduction in the use of the motor car. The distances to the main services of shops, senior schools, employment etc. together with the walking and cycling environment would still encourage reliance on the motor car.
- 5.26 Consequently, future occupiers would be likely to rely predominantly on the private car to meet their day-to-day needs. The proposal would therefore result in an unsustainable form of development, contrary to Policies CP1, CP3, CP6 and CP9 of the Core Strategy and Policy CC01 of the Managing Development Delivery Local Plan. In locational terms, the site is not supported in principle.

Reason for Refusal 3: Landscape Character

- 5.27 The appeal site lies within the Wokingham District Landscape Character Area B1 Loddon River Valley with Open Water and the River Loddon Valued Landscape. To avoid repetition, the Inspector is referred to the Officer's Report for a detailed description of the defining characteristics, sensitivities and key qualities associated with these landscape designations. Policy TB21 states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.

- 5.28 Landscape Character Area B1 is summarised as:

"This peaceful floodplain landscape in the valley of the River Loddon falls between the urban areas of Woodley and the large villages of Winnersh, Twyford and Charvil. Former gravel extraction has modified the landscape resulting in a mix of land uses including open water bodies, landfill sites, and restored agricultural fields, nature reserves and country parks"

- 5.29 The key characteristics of this landscape character type of relevance to this proposal are:

- The Loddon and Old River, medium sized tributaries of the Thames, meander gently through
- the area. The riverine landscape is crossed by a network of drainage ditches with bankside
- Pollarded willows and occasional fords at river crossings
- Enclosed wooded context due to the presence of mature natural and restored woodlands around the flooded gravel pits and along riverbank. Built development is confined to small clusters around fording points including historic mill buildings e.g. Sandford Mill, and farmsteads at the floodplain fringe, many of which are listed buildings. A small section of the Twyford Conservation Area lies within this area.

5.30 The valued attributes are:

- Undeveloped riverine character of much of this lowland landscape with its network of rivers, drainage ditches and restored lakes which provides a strong sense of place.
- The mosaic of ecologically valuable wetland and woodland habitats including BAP priority habitats designated as LWS including those of national importance at Lodge Wood and Sanford Mill SSSI. The restored gravel works support a diverse range of birds and nationally scarce flora.
- Distinctive historic built form clustered at river crossings including historic mills, white painted bridges and listed buildings at Twyford, as well as the farms on the floodplain edge which give the landscape a sense of time-depth and contribute to scenic quality.

5.31 The key issues relating to this landscape are:

- Changes in deciduous woodland structure through loss of structure and species diversity. Cessation of traditionally managed coppiced woodlands. However, there are positive signs that woodlands are being brought back into management.
- Demand for new residential development and supporting infrastructure is continuing to push development onto the floodplain, such as at Woodley, impacting landscape character.
- Continued pressure for expansion, infill and densification within existing settlements on the floodplain edge, leading to the amalgamation of adjacent settlements such as Reading and Winnersh at Loddon Bridge
- Pressure for new roads or widening of existing roads impacting tranquillity and leading to further visual intrusion and light pollution from transport corridors and fragmentation of the landscape. Demand for upgrading the winding network of rural lanes with new signage, line painting, concrete kerbing and widening threatens the rural character of the lanes.

5.32 Even a single dwelling would introduce a built element into the undeveloped, riverine floodplain, eroding the area's tranquillity, scenic quality, and sense of time-depth. It would fragment wooded context of Beggars Hill Lane contributing incrementally to pressures on the landscape as outlined above and does not assist in achieving the landscape guidelines for this Landscape Character Area. This would result in moderate but tangible harm to the valued character of the Loddon River Valley, contrary to Policy TB21.

5.33 In addition to this there would be a detrimental impact on the Loddon River Valued Landscape. The Valued Landscape Topic Paper (2020) was included in the Draft Local Plan Evidence Base. The judgement of Mr Justice Ouseley, in *Stroud V SoSCLG* (see Valued Landscape Topic Paper paragraph 4.7), states that valued landscape would require to have:

'demonstrable physical attributes which would take this site beyond mere countryside, if I can put it that way, but into something below that which was designated'.

5.34 It is clear from this that:

- a) It is the attributes on the ground that matter when defining valued landscape not necessarily any local 'designation'.
- b) 'mere countryside' also has 'value' and this is reflected in paragraph 187 of the NPPF.

5.35 Various appeal decisions at Wokingham Borough Council have demonstrated that landscapes do not have to be previously designated for an Inspector to find that they are Valued Landscapes for the purposes of the NPPF. An example of this is the Foxley Lane Appeal (APP/R0335/W/17/3177088), Appendix 5.

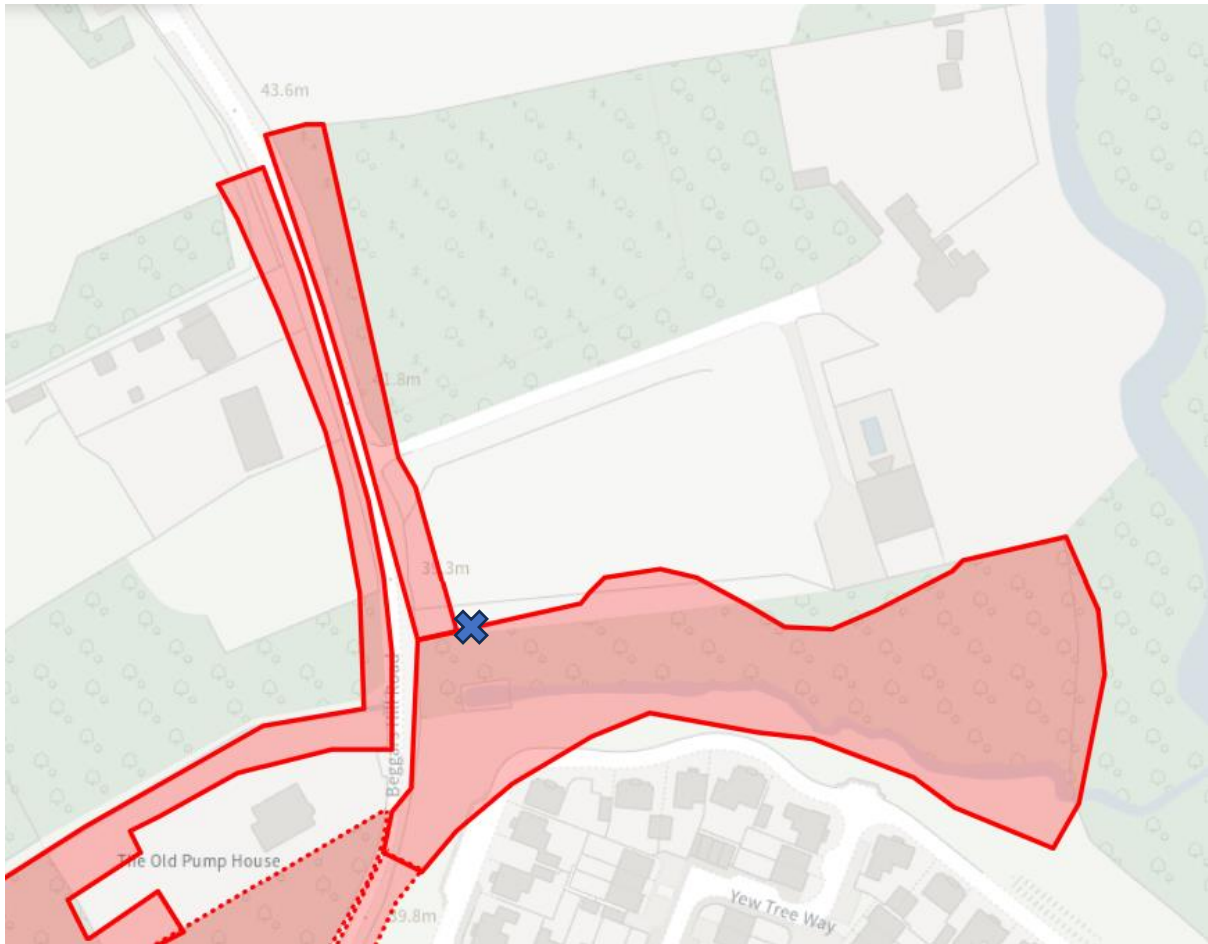
5.36 As has become a common theme throughout this appeal, the Appellant diminishes the weight that can be attributed to landscape harm, stating it is matter that should be considered at the Technical Details stage. First, while matters of layout, scale and appearance are reserved for Technical Details Consent, the suitability of a site's location remains a fundamental consideration at the PiP stage. Where a site is located within, or closely related to, a valued landscape, and where the introduction of built development would fundamentally alter its character, that harm is directly relevant to whether the site is capable of accommodating development in principle. The Council's third reason for refusal is therefore properly grounded within the scope of PiP decision-making.

5.37 In any event, the appellant's reliance on the draft proposals map to suggest that only part of the site falls within the Loddon Valley Valued Landscape is not wholly relevant. Landscape character does not adhere to rigid boundaries, and the harm arising from development is not confined to the precise footprint of a mapped designation. The site functions as part of a wider, rural landscape, and development on any part of the site would erode the openness, verdant character and rural transition that define the area as a whole. The intervisibility of the site with surrounding fields, hedgerows, and watercourses means that even a small-scale development would have a disproportionate visual and experiential impact on the wider landscape. The significance of the Loddon Valley Valued Landscape derives not only from developed areas of land but from the gaps, pattern, setting, and continuity of the rural landscape; any development that interrupts these qualities would be harmful to its character, scenic value, and special qualities.

5.38 The appellant contends at paragraph 6.26 of their statement that the proposed development would reinforce the existing pattern and character of Beggars Hill Road and further asserts at paragraph 6.27 that there is no typical arrangement of dwellings along the road. While it is acknowledged that the road exhibits a degree of variation in built form, the existing residential development is characterised by clearly defined plots with a spacious and low-density pattern of development. The appeal proposal would introduce a new dwelling within an existing residential plot, resulting in a form of infill development that is not characteristic of the prevailing pattern in this part of Beggars Hill Road. As such, the proposal would erode the established low-density character of the area and would fail to conserve or enhance the landscape character and features that contribute to the significance of the River Loddon Valued Landscape.

Reason for Refusal 4 – Impact on Protected Woodland and Trees

5.39 As previously set out, the proposed dwelling would be located immediately adjacent to the tree corridor to the south of the site, which is protected by Tree Preservation Order TPO-1611-2017. The TPO's are shown in red on the below plan, with the approximate location of the site is marked with an X.



5.40 The appeal is not supported by an Arboricultural Impact Assessment or any substantive arboricultural evidence. While the appellant states that the illustrative site plan (Drawing P101) has been prepared following a full topographical survey, no such survey or supporting information has been submitted to demonstrate how the proposed development would avoid harm to protected trees.

5.41 The Appellant contends that impacts on TPO protected trees are matters of detail that fall outside the scope of consideration at the Permission in Principle stage. This position is not correct. The Council accepts that refusal of a PiP application cannot be justified solely on the absence of an Arboricultural Impact Assessment, nor where any identified impacts are clearly capable of being resolved at the Technical Details Consent stage. However, where a site is so heavily constrained by TPO-protected trees and their Root Protection Areas that development would inevitably result in their removal or unacceptable harm, this is a matter that goes to whether the site is capable of accommodating development in principle and is therefore a relevant consideration at the PiP stage

5.42 At PiP stage, the Council must consider whether:

- The location, size, and species of TPO-protected trees would materially constrain the developable area of the site.

- The Root Protection Areas (RPAs) and canopies of protected trees would conflict with any reasonably achievable building layout.
- Retention, protection, or mitigation measures are reasonably practicable at the Technical Details Consent stage.
- The loss or significant harm to TPO-protected trees would materially undermine the character or amenity value of the site and surrounding area.

This has been fully addressed in the Officer's Report, and the site constraints are such that development would unavoidably compromise or remove significant TPO trees, this indicates that the site is not capable of accommodating development in principle.

5.43 In this regard, the following extract from the Officer's Report is of particular relevance:

"A woodland TPO protects all trees within the defined area of woodland, regardless of size, species or age, including saplings and natural regeneration. It is noted that the grassed area of the site has been managed (e.g. mowed), which would remove or damage any saplings in this area and would constitute an offence under TPO legislation. Irrespective of the current management regime, the entire area within the TPO remains protected, leaving limited space to erect a dwellinghouse or provide an access."

5.44 No additional information has been provided through the appeal process to address or alleviate these concerns. While the appellant asserts that the proposed access is not dependent on the removal of the Ash tree located along the roadside frontage, notwithstanding its depiction as being removed on the illustrative site plan, the proposal remains fundamentally reliant on the formation of an access. Such an access would inevitably require a significant incursion into the TPO Root Protection Areas.

5.45 The Council's Trees Officer has also drawn attention to the presence of a veteran tree on the site, noting: *"There is a 4.05m girth veteran pollard pedunculate (English) oak, recorded on the Ancient Tree Inventory (reference 65808), within the woodland. The tree's buffer zone and root protection area would affect the site and would be likely to be impacted by any development. The NPPF describes ancient and veteran trees as 'irreplaceable habitat' and it is difficult to see how such harm could be compensated for. Furthermore, no exceptional circumstances have been demonstrated that would justify development in this location, such that the proposal would fail the policy test set out at paragraph 193(c) of the NPPF."* No assessment of this tree, or its implications for development, is provided within the appellant's statement.

- 5.46 The NPPF defines a veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. There would also be conflict with the NPPF which states at paragraph 193 amongst other things that development resulting in the deterioration of irreplaceable habitats such as veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 5.47 As the proposal involves development that sits directly adjacent to veteran trees, the standing advice prepared by Natural England and the Forestry Commission (2022) should be followed in full which provides guidance on assessing a development proposal against paragraph 193.
- 5.48 As harm of development to veteran trees have been identified above, the NPPF outlines that wholly exceptional reasons must exist to warrant their loss or degradation. This matter is clarified within footnote 70 of the NPPF as proposals forming “infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat”.
- 5.49 Taken as a whole and having regard to the location of the site and the extent of the Tree Preservation Order constraints, it is concluded that the site is not capable of accommodating development without harm to TPOs or the veteran tree.. The proposal would pose an unacceptable threat to the retention of protected trees and the visual amenity they provide. It therefore conflicts with Policies CP1, CP3 and CP11 of the Core Strategy, Policies CC03 and TB21 of the Managing Development Delivery Local Plan, the Borough Design Guide SPD, the Wokingham Borough Landscape Character Assessment, and Section 15 of the NPPF.

6 Other Matters

Housing Land Supply

6.1 The appellant concludes their statement with reference the tilted balance in paragraph 7.2, which builds upon their assessment of this subject in paragraphs 6.3 - 6.6. It is a matter of fact that housing completions within Wokingham Borough have significantly exceeded all assessments of housing need. The strong performance on housing delivery is a material factor that should be considered alongside the technical shortfall in deliverable housing land supply. This position has been acknowledged by the Inspector at various recent appeals, including those listed below:

- Willow Tree House (Application ref 203560, Appeal ref APP/X0360/W/21/3275086)
- Land at Baird Road (Application ref 202303, Appeal ref APP/X0360/W/21/3276169)
- Land to the west of St Anne's Drive and south of London Road (Application ref 203544, Appeal ref APP/X0360/W/22/3297645)

These appeal decisions are included in Appendix 6, 7 & 8 of this statement. The lack of a five year supply of deliverable housing sites results in the presumption in favour of sustainable development, as envisaged by paragraph 11 of the Framework being engaged. Whilst the tilted balance is engaged, this tilt is tempered due to past over delivery.

6.2 Economically, the proposed development would encourage development and associated economic growth through the construction works. The inhabitants would also contribute to the local economy and to the continued viability of local services in the surrounding area. The development is also CIL liable so would contribute to local infrastructure needs. However, as this proposal is for only one dwelling, the economic role of the development is limited.

6.3 Regarding the social role, the development would perform the provision of one dwelling in this location, which would not make a significant contribution to the Council's housing supply position. Furthermore, the scheme would not qualify for an affordable housing contribution.

6.4 Regarding its environmental role, the proposal would have a detrimental impact on the character and appearance of the locality, which is adjacent to countryside. The size, scale and design would result in jarring development that would be out of keeping with the character and appearance of the area. It would also significantly and negatively impact the transition between settlements. Furthermore, there would be a harmful impact on a number of trees on and adjoining the site, which are protected by a TPO.

- 6.5 There are limited benefits associated with the proposal when assessed against the NPPF policies taken as a whole. Furthermore, these benefits must be considered against a 'tempered' tilted balance given past over delivery of housing in the borough. It is considered that the identified harm would significantly and demonstrably outweigh the benefits of the proposal.

Planning Balance

- 6.6 The planning balance is set out in the Officer Report and remains relevant. In reaching that balance, the Officer Report identifies harm arising under reason for refusal 4 in respect of impacts on protected woodland and trees, including veteran trees. As set out at paragraph 5.28 of the report, veteran trees are irreplaceable habitat and national policy at paragraph 193 of the NPPF states that development resulting in the deterioration of such habitat should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In light of the conclusions already reached under reason for refusal 4, that harm attracts significant weight in the planning balance and is sufficient to disapply the presumption in favour of sustainable development.
- 6.7 With the above in mind, the proposal conflicts with paragraph 193 of the NPPF in that it would lead to the degradation of a veteran tree. Notwithstanding, as the proposal results in the harm to an irreplaceable habitat and no wholly exceptional reason and adequate mitigation exists, the tilted balance is disengaged as per paragraph 11(d)(i) footnote 7 of the NPPF.
- 6.8 The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with paragraph 11(d) of the NPPF, the "tilted balance" is engaged. This means that planning permission should be granted unless 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.

- 6.9 However, paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development does not apply if policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 8 [NB. should state footnote 7] to paragraph 11(d)(i) lists “irreplaceable habitats” as such an asset. As argued in RfR 4, the proposal results in the deterioration of a veteran tree, which is an irreplaceable habitat. NPPF Paragraph 193(c) states development resulting in the loss or deterioration of irreplaceable habitats should be refused unless wholly exceptional reasons and a suitable compensation strategy exist. The Council has set out that such wholly exceptional reasons do not exist in this case and the submitted compensation strategy is inadequate. On this basis, the Council contends that the tilted balance should be disengaged.
- 6.10 This does not alter the overall conclusions of the Officer’s report or introduce a new assessment, but clarifies the weight afforded to the identified harm specifically to veteran trees (refusal reason 4) within the existing planning balance.
- 6.11 Should the Inspector nevertheless consider the tilted balance under paragraph 11(d)(ii) to be engaged, the Council submits that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits for the reasons set out in the officer report and the below conclusion.

7 Conclusion

- 7.1 The proposal does not fall within any of the exception categories set out in Policy CP11 of the Core Strategy. It would result in the expansion of residential activity onto undeveloped land, directly conflicting with criterion (2) of that policy. The development is therefore unacceptable in principle.
- 7.2 Due to the poor quality of pedestrian infrastructure in the vicinity of the site and the lack of accessible facilities and services within a reasonable walking distance, future occupiers would be heavily reliant on the private car to meet their day-to-day needs. As such, the appeal site does not represent a sustainable location for new residential development.
- 7.3 The proposal would cause harm to the character and appearance of the area and to the landscape qualities of Beggars Hill Road. In locational terms, the site conflicts with the prevailing low-density, spacious pattern of development and would fail to conserve or enhance the defining characteristics of the surrounding landscape.
- 7.4 Furthermore, the site is so constrained by Tree Preservation Order protected trees that it is not capable of accommodating development without resulting in unacceptable and enduring harm to protected trees and the visual amenity they provide.
- 7.5 When considered as a whole, the appeal proposal conflicts with the Development Plan and the objectives of the NPPF. There are no material considerations that indicate that planning permission should be granted. Accordingly, the Inspector is respectfully requested to dismiss the appeal.