

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                     |                                                           |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <b>Application Number:</b>                                                                          | 260362                                                    |
| <b>Site Address:</b>                                                                                | Sequoia Field and Barn End, Wellingtonia Avenue, RG45 6AD |
| <b>Expiry Date:</b>                                                                                 | 17 April 2026                                             |
| <b>Site Visit Date:</b>                                                                             | 17 March 2026                                             |
| <b>Proposal:</b> Application for permission in principle for the erection of up to 9 No. dwellings. |                                                           |

### **PLANNING CONSTRAINTS/STATUS**

Bat Roost Habitat Suitability  
Scale and Location of Development Proposals - Countryside  
Districts Consultation Zone – Bracknell Forest  
Tree Preservation Orders – TPO-0055-1972  
Landscape Character Assessment Area – Finchampstead Ridges Forested and Settled Sands  
SSSI Impact Risk Zones  
Green Route  
Thames Basin Heaths SPA Mitigation Zones – 5km zone  
Water Utility Consultation Zone – SE Water supply area  
Potential Contaminated Land Consultation Zone  
Great Crested Newt Consultation Zone - Amber  
Nuclear Consultation Zone – AWE Special Case Zone  
Aerodrome Safeguarding: Farnborough Consultation Zone

### **PLANNING POLICY**

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>    | National Planning Policy Framework (NPPF)<br>National Planning Policy Guidance (NPPG)                                                                                                                                                                                                                                                                                                                                                   |
| <b>Core Strategy (CS)</b> | CP1 – Sustainable Development<br>CP2 – Inclusive Communities<br>CP3 – General Principles for Development<br>CP4 – Infrastructure Requirements<br>CP5 – Housing Mix, Density and Affordability<br>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP8 – Thames Basin Heaths Special Protection Area<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP17 – Housing Delivery |
| <b>MDD Local</b>          | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits<br>CC03 – Green Infrastructure, Trees and Landscaping                                                                                                                                                                                                                                                                                              |

|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plan (MDD)</b>                                | CC04 – Sustainable Design and Construction<br>CC05 – Renewable Energy and Decentralised Energy Networks<br>CC06 – Noise<br>CC07 – Parking<br>CC09 – Development and Flood Risk<br>CC10 – Sustainable Drainage<br>TB05 – Housing Mix<br>TB07 – Internal Space Standards<br>TB08 – Open Space, Sport and Recreational Facilities Standards<br>TB21 – Landscape Character<br>TB23 – Biodiversity and Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Joint Minerals and Waste Plan (JMWP)</b>      | The JMWP is not relevant to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Wokingham Borough Local Plan Update (LPU)</b> | SS1 – Sustainable development principles<br>SS2 – Spatial strategy and settlement hierarchy<br>SS3 – Development within or adjacent to major and modest settlements<br>SS5 – Development in the countryside<br>SS10 – Meeting our housing needs<br>CE1 – Design principles for efficient buildings<br>CE3 – Environmental standards for residential development<br>C1 – Active and sustainable transport and accessibility<br>C2 – Mitigation of transport impacts and highway safety and design<br>C3 – Active travel<br>C5 – Parking and electric vehicle charging<br>H1 – Housing mix, density and standards<br>H3 – Affordable housing<br>FD1 – Development and flood risk (from all sources)<br>FD2 – Sustainable drainage<br>NE1 – Biodiversity and geodiversity<br>NE2 – Biodiversity net gain<br>NE3 – Thames Basin Heaths Special Protection Area<br>NE4 – Trees, woodland, hedges and hedgerows<br>NE5 – Landscape and design<br>DH1 – Place making and quality design<br>DH2 – Safeguarding amenity |
| <b>Other</b>                                     | Borough Design Guide Supplementary Planning Document<br>CIL Guidance + 123 List<br>Affordable Housing Supplementary Planning Document<br>Sustainable Design and Construction Supplementary Planning Document<br>Finchampstead Neighbourhood Development Plan (FNDP) – Sept 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

#### RELEVANT PLANNING HISTORY – WOKINGHAM BOROUGH

| Application No. | Description | Decision & Date |
|-----------------|-------------|-----------------|
|-----------------|-------------|-----------------|

|        |                                                                                                    |                                                 |
|--------|----------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 192466 | Application for a certificate of lawfulness for the proposed erection of an agricultural building. | REFUSED<br>17/12/2019                           |
| 191984 | Prior approval submission for the erection of an agricultural barn.                                | PRIOR<br>APPROVAL NOT<br>REQUIRED<br>21/08/2019 |

#### RELEVANT PLANNING HISTORY – BRACKNELL FOREST BOROUGH

| Application No. | Description | Decision & Date       |
|-----------------|-------------|-----------------------|
| PA/2026/0209*   |             | REFUSED<br>30/03/2026 |

*\*PA/2026/0209 was refused by Bracknell Forest Council for the following reasons:*

- 1. The proposal is not development that is considered acceptable in the Countryside in principle. It would result in an adverse impact on the character and appearance of the area by reason of location and land use which would have an urbanising impact on the open and rural setting of the site and result in encroachment into the Countryside. The proposal would therefore be contrary to Policies LP 1, LP 2, LP 28, LP 35, LP 36 and LP 50 of the Bracknell Forest Local Plan and the National Planning Policy Framework.*
- 2. The proposal constitutes habitats development. Permission in principle must not be granted for habitats development. Furthermore, planning obligations cannot be secured at the permission in principle stage. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policies LP 31 and LP 32 of the Bracknell Forest Local Plan, and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2025).*

#### CONSULTATION RESPONSES

##### Internal

WBC Drainage – No objection subject to conditions  
WBC Highways – No objection subject to conditions  
WBC Landscape and Trees - Objection: Impact on Veteran TPO's and limited harm to valued landscape character  
WBC Ecology – Objection: The Council cannot be satisfied that the development would avoid damaging the Thames Basin Heaths SPA.  
WBC CIL – The proposal would be CIL liable development. The liability would be calculated at technical details consent stage if the PiP were to be approved.

##### External

Bracknell Forest Council – Objection: The proposal would result in unacceptable impacts to the character and appearance of the area. Further, the development is habitats development and planning obligations cannot be secured at permission in principle stage.

## REPRESENTATIONS

|                              |                                                                                                                                    |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Finchampstead Parish Council | Objects on the grounds that it is development in the countryside, contrary to WBC's Core Strategy Policy CP11 and FNDP Policy AHD1 |
| Ward Member(s)               | No comments received                                                                                                               |
| Neighbours                   | No comments received                                                                                                               |

## APPRAISAL

### Site Description:

The application site comprises approximately 0.99 hectares of land that forms part of Sequoia Fields and Barn End, located to the south of Wellingtonia Avenue on the southern edge of Crowthorne. The site was observed during the officer site visit to be in use as paddocks. The site forms part of a wider landholding of approximately 19.4 hectares. The site lies outside the defined settlement, within the designated countryside, and approximately 150 metres south of the Pinewood (Crowthorne) Modest Development Location (refer to Fig. 1 below).

Sequoia Field Farmhouse, a substantial predominantly two-storey dwelling, lies immediately to the east. The surrounding area comprises a mix of residential development and transport infrastructure. Wellingtonia Avenue (B3348) bounds the site to the north, beyond which are large detached dwellings and woodland. There are also other smaller properties in the vicinity. Wokingham Road (A321) lies to the east, providing access to Crowthorne railway station (approximately 350 metres away), a business park and sports facilities. Land to the south and west remains in the same ownership as the application site.

The applicant states that access to the site is taken from Wellingtonia Avenue via an existing private, single-width access track of approximately 65 metres, enclosed by gates and piers, which also serves Sequoia Field Farmhouse. However, the submitted Site Location Plan does not accurately reflect this arrangement. The red line boundary extends further north, closer to the line of Wellingtonia trees protected by Tree Preservation Order TPO 0055-1972, rather than aligning with the established access track described in the Planning Statement.

It is noted that the application site straddles the administrative boundary between Wokingham Borough Council and Bracknell Forest Council, with approximately one-fifth of the site lying within Bracknell Forest (refer to Fig. 1 below). The Bracknell Forest portion of the site was the subject of outline application PA/2026/0209, which was recently refused, as detailed in the relevant planning history section of this report.

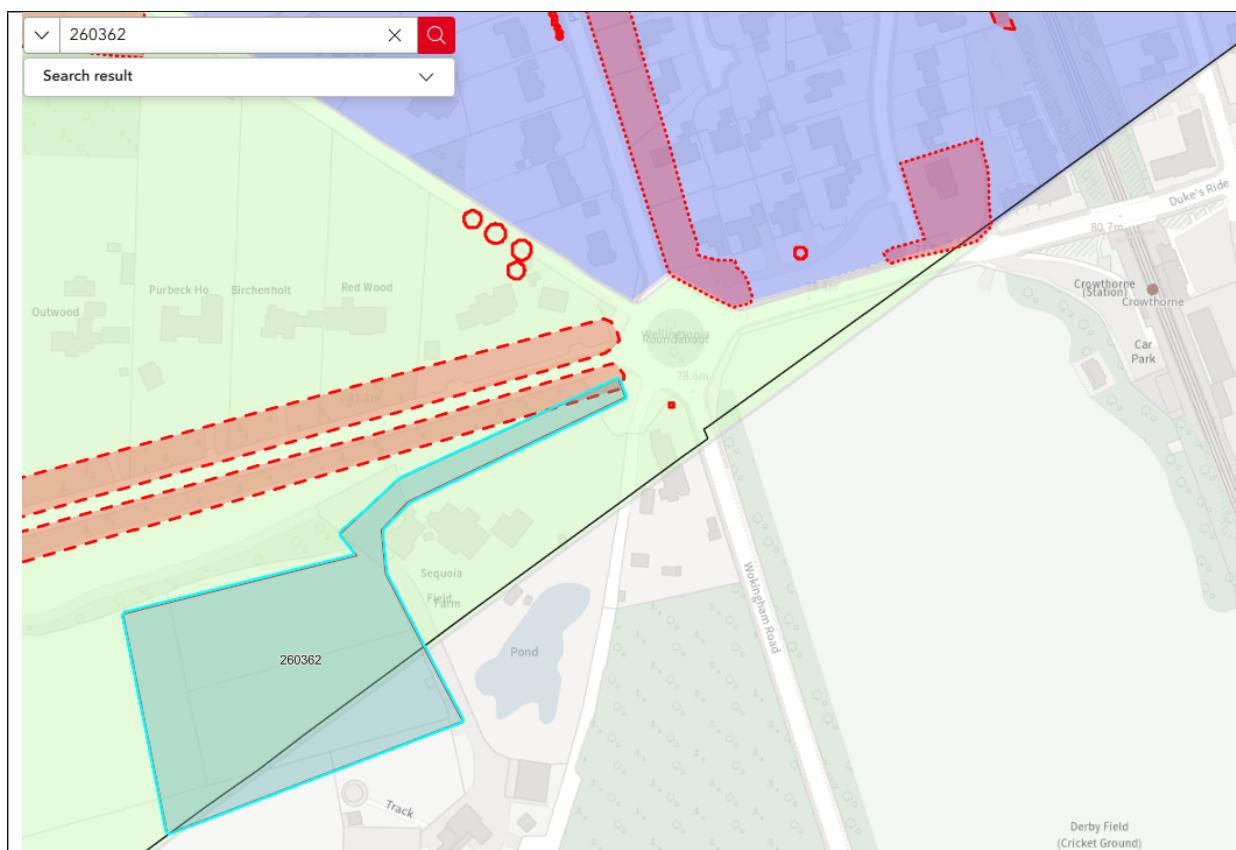


Fig. 1: WBC mapping extract defining application site (260362) in context of countryside (green), Modest Development Location (mauve), TPO'd trees (red) and extent of borough boundary (black).

For clarity, the application has been assessed on the basis of proposed access arrangements as defined by the submitted Site Location Plan.

### **Proposal:**

The application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details consent has been subsequently approved. This application relates to the first of these two stages. As the application does not relate to technical details only a 'red line' Site Location Plan, along with a Planning Statement, has been submitted to support this application. No site layout plan for the scheme has been provided.

Permission in principle is sought for the erection of up to 9 dwellings. This would equate to an approximate density of 10 Dwellings Per Hectare (DPH). The application form states that a minimum of 1 dwelling is proposed. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum amount of new dwellings which would, in principle, be permitted should the application be approved.

### **Assessment**

The PPG advises that the scope of permission in principle is limited to location, land use and amount of development. Whether permission in principle should be granted bearing in mind the effects of the proposal's location, land use and amount of development on material considerations is required to be considered.

### **Principle of Development:**

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise. FNDP policy AHD1 states that proposals outside the Development Locations will only be supported where they are in accordance with national and Borough planning policies. The site is situated within the designated countryside although within reasonable walking distance of Pinewood (Crowthorne) Modest Development Location and the services and facilities contained therein, and Crowthorne railway station.

#### *a) Adopted development plan*

#### Countryside

Core Strategy Policy CP9 (Scale and location of development proposals) directs development to locations within development limits and 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"*.

The site is not located within development limits and is not previously developed land. Therefore, the proposal is contrary to Policy CP9 in principle.

Development proposals within the designated countryside should be assessed against Core Strategy Policy CP11 (Proposals outside Development Limits). Policy CP11 states that development proposals will not normally be permitted in the countryside except where one or more of the specified exceptions apply:

- 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 application proposal does not meet any of these specified exceptions and is therefore contrary to the spatial strategy as a starting point.

Turning to the overall aim of Policy CP11, this is to protect the separate identity of settlements and maintain the quality of the environment. Owing to the site's distance from other defined settlements and the limited scale of the scheme, the proposal would not result in coalescence of settlements. In terms of maintaining the quality of the environment, however, this is a matter for which further assessment is required to make a full judgement and will be returned to later in this report.

#### Locational Sustainability

Policy CP6 of the Core Strategy states that development should provide for sustainable forms of transport to allow choice and 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.

In locational terms, it is acknowledged that the site benefits from a relatively sustainable location despite being located out of settlement. Crowthorne railway station is located approximately 350 metres from the site, providing regular rail services, and bus stops along Dukes Ride are available within a reasonable walking distance. A range of local shops and day-to-day services are also accessible on Dukes Ride, together with nearby employment, leisure and community facilities. Having regard to these factors and noting that WBC Highways have raised no objection in respect of the site's accessibility or sustainability, it is accepted that the site has reasonable proximity to existing services and facilities.

#### *b) Emerging Local Plan Update*

The Local Plan Update (LPU), the plan which will supersede the Core Strategy and MDD Local Plan, was published in October 2024 (Regulation 19 Proposed Submission Plan). It was subsequently submitted for examination on 28 February 2025. The LPU sets out the development strategy and proposed site allocations to meet housing needs to 2040. Weight to be attributed to the emerging policy is informed by paragraph 49 of the NPPF 2024. This advises that weight can be applied according to the plan's stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the NPPF. However, as a whole, the LPU is still afforded limited weight.

#### *c) National Planning Policy Framework*

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. It does not however change the status of the development plan as the starting point in the decision-making.

*c) Housing Land Supply*

The Council's latest published five-year housing land supply position (as of 31 March 2025) is 2.5 years, such that the policies most important for determining the application are out-of-date for the purposes of NPPF paragraph 11(d). However, paragraph 11(d) is subject to the exceptions at 11(d)(i)-(ii). In this case, the proposal engages policies in the Framework that protect areas or assets of particular importance, specifically habitats sites and irreplaceable habitats, which are expressly identified within NPPF footnote 7. As the application fails to demonstrate that the development would avoid adverse effects on the integrity of the Thames Basin Heaths SPA and fails to demonstrate that it would avoid harm to veteran trees (irreplaceable habitat), these protections provide a strong reason for refusal under paragraph 11(d)(i). Accordingly, the "tilted balance" in paragraph 11(d)(ii) is not engaged.

*d) Summary on principle of development*

The site is located outside of settlement limits in the countryside. It fails to meet any of the specified exceptions for development outside of settlement. When turning to the overall aim of the policy, it would not result in settlement coalescence. In terms of locational sustainability, the site is in a sustainable location for up to an additional 9 dwellings. This weighs in favour of the proposal and lessens the in-principle conflict identified in this location. When assessing as to whether it would maintain the quality of the environment, this will be considered in light of other material considerations (particularly landscape/ character of the area considerations) with a final assessment being made at the end of this report. However, to reiterate, the titled balance is disengaged, as per paragraph 11(d)(i) of the NPPF.

**Location, land use and amount of development in relation to the impact on character and appearance of the area:**

Policy CP3 of the Core Strategy sets out general principles for development and states that development should be of an appropriate scale, activity, mass, layout, built form, height, materials and character to the area together with a high quality of design. Policy TB21 of the MDD states that proposals shall retain or enhance the condition, character and features that contribute to the landscape. 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.

The Council's Landscape Architect raises objection on landscape and tree grounds, advising that the proposal would result in harm through encroachment into the countryside, which is characterised by a low-density, sporadic pattern of development within a strong wooded setting. Particular concern is raised in respect of the proximity of the proposed access and red line boundary to the Wellingtonia trees protected by TPO 0055-1972, which are identified as Veteran trees requiring substantial root protection areas. As submitted, the proposals are considered to pose a risk of harm to

protected trees and to conflict with the established landscape character, contrary to policies seeking to conserve landmark trees and the rural character of the area.

Notwithstanding the relatively low-density nature of the proposal, it would inevitably result in an intensification of built form that would excessively encroachment and expansion of development away from original buildings within the countryside. This results in an urbanisation of the countryside and the character and appearance of the surrounding area. As such, the principle of 9 dwellings on this site is not considered to retain or enhance the condition, character and features that contribute to the countryside landscape.

Accordingly, the proposal is not acceptable in relation to the Borough Design Guide, policy CP3, policy TB21 and policy CP11; the latter which seeks to maintain the quality of the environment. Whilst all development would have an impact on the environment in some respect, impacts can be of varying degrees, the impact on the environment in this case is considered to be more than neutral for the reasons outlined, and so therefore conflicts with one of the overarching aims of policy CP11.

**Location, land use and amount of development in relation to impact on neighbouring amenity:**

Policy CP3 of the Core Strategy states that development shall be without detriment to the amenities of adjoining land users.

The closest existing dwellinghouse to the application site is Sequoia Field Farmhouse. This lies approximately 25m to the east. Hence, suitable 22m back-to-back distances, as advocated within the Borough Design Guide, could be achieved within any final layout design. Vehicular movements associated with the proposal would not be so significant as to unduly impact on the amenities of this property.

Other existing housing to the north of Wellingtonia Avenue, e.g. Red Wood and Birchenholt, lie approximately 100m north of the application site. In any eventual housing layout, this separation distance would be in significantly excess of the advocated 22m. The housing layout would be subject to technical detail consent where further assessment in relation to neighbouring amenity would be carried out (in terms of the positioning of the dwellings in relation to neighbouring outlook, light etc).

There are also other chalet style buildings located to the south-east of the site although it is unclear whether they are in residential use. The nearest of these building is sited at least 25m away from the southern edge of the application site. Regardless, these properties fall outside the Wokingham boundary and any impacts on them would be considered by Bracknell Forest. As outlined in the planning history section above, no reasons for refusal were imposed on application PA/2026/0209 by Bracknell Forest.

Hence, the principle of the development in relation to any potential limited impacts on neighbouring amenity of properties within Wokingham borough is deemed acceptable at this permission in principle stage.

**Location, land use and amount of development in relation to flood risk:**

Policy CC09 of the MDD states that all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding.

The application site is located in Flood Zone 1 which is the lowest risk of flooding. There is not incompatibility between the proposed location, use and amount of development and flood risk. Full drainage details and a flood risk assessment would be required at technical consent stage.

**Location, land use and amount of development in relation to the highway network:**

Policy CP6 of the Core Strategy states that development should not lead to highway problems, along with providing for sustainable forms of transport. Policy CC07 states that sufficient parking shall be provided as part of development proposals.

WBC Highways did not raise any concerns regarding the site's location and advised that the proposed development would be unlikely to have a significant impact on the wider highway network. WBC Highways also indicated that utilising the existing driveway to serve a total of up to 10 dwellings would be acceptable subject to the widening of the shared drive to a minimum of 4.1m wide driveway clearance to accommodate two-way traffic. If this proposal were acceptable in all other respects, these highways improvements could, in principle, be secured via condition as they fall within land within the applicant's control, with Sequoia Field Farmhouse being 'blue lined' on the submitted Location Plan.

However, it needs to be considered that the submitted Site Location Plan fails to reflect this arrangement so any subsequent scheme would need to include the existing driveway and any widening proposals within a future 'red line' plan. Highway considerations would also be reviewed at technical details stage once the layout finalised.

**Location, land use and amount of development in relation to the impact on the natural environment (trees and ecology)**

Policy CC03 of the MDD states that development shall protect existing trees and hedges and incorporate high quality landscaping. MDD policy TB23 Biodiversity and Development requires proposals to provide appropriate buffer zones between development and habitats. Core Strategy Policies CP3 General Principles for Development and CP7 Biodiversity establish that proposals should not have a detrimental impact on ecological features, including veteran trees.

The Council's Landscape Architect raises objection on landscape and tree grounds, advising that the proposal would result in harm through encroachment into the countryside, which is characterised by a low-density, sporadic pattern of development within a strong wooded setting.

Particular concern is raised in respect of the proximity of the proposed access and red line boundary to the Wellingtonia trees protected by TPO 0055-1972, which are

identified as Veteran trees requiring substantial root protection areas. As submitted, the proposals are considered to pose a risk of harm to protected trees and to conflict with the established landscape character, contrary to policies seeking to conserve landmark trees and the rural character of the area.

Given the proximity of the developable area and the proposed vehicular access, as currently defined to be within the Root Protection Areas (RPA's) of veteran TPO trees, and in the absence of an arboricultural constraints plan/impact assessment demonstrating a workable solution, the authority cannot be satisfied at this stage that the proposal would avoid harm to irreplaceable habitat.

The application site lies within an area identified by the Council's bat roost suitability dataset as having potential to support roosting bats. The WBC Ecology Officer has advised that further information in respect of Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) and Biodiversity Net Gain (BNG) Assessment would have to be provided at technical details stage.

However, the WBC Ecology Officer raises more fundamental concerns with this PiP application in respect of the development's potential impact on the Thames Basin Heath Special Protection Area, as outlined in more detail below.

#### **Location, land use and amount of development in relation to Habitat development (Thames Basin Heath Special Protection Area) (TBH SPA)**

The application site is located within the 5km zone of the Thames Basin Heath Special Protection Area. The Thames Basin Heath is a qualifying European site. Policy CP8 of the Core Strategy focuses on the Thames Basin Heath Special Protection Area and outlines when mitigation is required. In the 5km zone, all residential proposals that include a net increase of 1 or more dwellings are required to provide mitigation for the TBH SPA.

Under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), permission in principle must not be granted for habitats development. In this case, the Local Planning Authority cannot, at the permission in principle stage, conclude that the proposal would not adversely affect the integrity of the Thames Basin Heaths Special Protection Area. The proposal therefore constitutes habitats development, for which permission in principle is expressly prohibited.

The case law established at *People over Wind and Sweetman v Coillte Teoranta* ECLI:EU:C:2018:244 requires the decision maker, when considering the effect that a proposal may have on such a European Site, to consider mitigation within an appropriate assessment rather than at screening stage. Accordingly, where development is likely to have a significant effect on a qualifying European Site without any mitigating measures in place, it is necessary that an appropriate assessment should be undertaken before the consideration of the grant of permission in principle. This is stated in the PPG (Paragraph: 005 Reference ID: 58-005-20190315).

Within the Government PPG, paragraph 005 in full reads:

**Can local planning authorities grant permission in principle to sites that have been subject to a Habitats assessment?**

Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as [habitats sites](#) in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the [competent authority](#) has not given consent, permission, or other authorisation in accordance with [regulation 63 of the Conservation of Habitats and Species Regulations 2017](#). This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.

Paragraph: 005 Reference ID: 58-005-20190315

The appellant has suggested that the mitigations measures can be secured at the technical details stage using a legal agreement to secure SANG/ SAMM. However, given that the risk of a significant effect on the TBH SPA would arise from the location, land use and the amount of development which are under consideration at the planning in principle stage, it must be established prior to the grant of any such permission that the development would not adversely affect the integrity of the protected site and therefore, it is not a matter that can be left to a later stage. A legal agreement to secure mitigation also cannot be secured at permission in principle stage, as per the PPG (022 Reference ID: 58-022-20180615).

It is acknowledged that the Thames Basin Heath SPA Delivery Framework states harm will only materialise upon occupation, meaning mitigation would be secured before the impact as technical details consent Stage would secure a legal agreement. However, the requirement of PiPs is that the Appropriate Assessment is required to be passed before the PiP is granted.

Without a legal agreement (which is not possible as part of a PiP), the Appropriate Assessment cannot be formally passed at the required stage. As referenced above in paragraph 005 of the PPG, it states that ***"If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle"***(author's emphasis). Without

mitigation in place at the time of granting permission in principle, Officers cannot conclude that the development will not adversely affect the integrity of the Thames Basin Heath Special Protection Area. Whilst this matter is not due to the applicant's unwillingness to provide mitigation, as the LPA are of the view the mitigation cannot be secured (in a procedural sense), it will form a reason for refusal.

Hence, notwithstanding the potential mitigation framework outlined in the Appropriate Assessment provided at Appendix A below, such measures cannot be secured or relied upon at the Permission in Principle stage and therefore cannot be taken into account in determining this application.

#### **Other issues:**

The applicant's Planning Statement refers to three previous decisions (appendices 1, 2 and 3) in support of the proposal. Appendix 1 relates to a Local Planning Authority Permission in Principle decision, and Appendix 3 to a Permission in Principle appeal decision; however, neither of these cases involved proposals affected by European site constraints or the need to consider habitats development restrictions. As such, they do not engage the statutory limitations applicable to Permission in Principle proposals where adverse effects on a European site cannot be ruled out.

Appendix 2 relates to an appeal decision involving impacts on a European site; however, this case did not concern a Permission in Principle application. Accordingly, it did not engage the specific procedural restrictions of the Permission in Principle regime, including the prohibition on granting permission in principle for habitats development where mitigation cannot lawfully be secured at that stage.

The decisions cited therefore each address only part of the policy and legal framework relevant to the current proposal, but none considers the combined effect of Permission in Principle procedural limitations and Thames Basin Heaths SPA constraints that arise in this case. As a result, the decisions relied upon are not directly comparable and do not provide meaningful support for the grant of permission in principle for application 260362, which must be determined on its own site-specific circumstances and statutory context.

#### **Planning Balance:**

In reaching this conclusion, the Local Planning Authority has had regard to the development plan as a whole and all other material considerations, including the emerging Local Plan Update.

The Council cannot currently demonstrate a five-year supply of deliverable housing land, and significant weight is therefore attributed to the provision of up to 9 additional dwellings. The site is also acknowledged to be in a relatively sustainable location in terms of access to services and public transport, and no objection has been raised by the Highway Authority in respect of accessibility or the wider highway network. These factors weigh in favour of the proposal and have been given appropriate consideration.

The emerging Local Plan Update has also been taken into account. However, having regard to its stage of preparation, the extent of unresolved objections, and the limited

weight that can be afforded to it at this stage, the emerging policies do not materially alter the planning balance or the conclusions reached in this report. The application has therefore been determined principally against the adopted development plan and relevant national policy.

Notwithstanding the above benefits, the proposal fails to address fundamental shortfalls identified in recommended reasons for refusal 1 and 2. In particular, the Local Planning Authority cannot conclude that the development would avoid adverse effects on the integrity of the Thames Basin Heaths Special Protection Area, and cannot be satisfied that it would avoid harm to veteran trees which constitute irreplaceable habitat. These matters engage statutory and national policy protections for areas and assets of particular importance, disengage the tilted balance under paragraph 11(d)(i) of the NPPF, and are determinative in this case. They cannot be resolved at the Permission in Principle stage and therefore preclude the grant of permission irrespective of the identified benefits.

In addition, and separately, the proposal represents unjustified residential development within the designated countryside. Whilst the scheme is of a relatively low-density nature and the resultant harm is limited in scale, it nonetheless results in encroachment and an urbanising influence that would be harmful to the character and appearance of the area. This harm to the countryside outweighs the economic and social benefits associated with the proposal.

Taken together, the proposal fails to represent sustainable development. The adverse impacts are not mitigated, are not capable of being resolved at the Permission in Principle stage, and conflict with both national policy protections and the development plan when read as a whole. Planning permission in principle should therefore be refused.

### **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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. 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:**

|                                    |              |
|------------------------------------|--------------|
| <b>Conditions agreed:</b>          | n/a          |
| <b>Recommendation:</b>             | REFUSE       |
| <b>Date:</b>                       | 06 May 2026  |
| <b>Earliest date for decision:</b> | 7 April 2026 |

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> | <p>Refuse for the following reasons:</p> <ol style="list-style-type: none"> <li>1. In accordance with the National Planning Policy Guidance, permission in principle must not be granted for development which is habitats development. The application site lies within the 5km zone of influence of the Thames Basin Heaths Special Protection Area, which is a qualifying European site. The proposal fails to provide avoidance measures for the adverse effect on the integrity of the European protected site which renders the proposal as habitats development. As such, the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.</li> <li>2. The application fails to demonstrate that the proposed vehicular access to serve the development, as defined by the submitted Site Location Plan, would avoid harm to veteran trees protected by TPO 0055-1972. In the absence of sufficient arboricultural evidence to confirm that root protection areas and the long-term health of these trees would be safeguarded, the Local Planning Authority cannot be satisfied that the proposal would avoid harm to irreplaceable habitat, contrary to Core Strategy Policies CP3 and CP7, MDD Policy CC03, and paragraph 11(d)(i) and footnote 7 of the NPPF.</li> <li>3. By virtue of its excessive encroachment into the countryside, the proposal for up to 9 dwellings will have detrimental visual and urbanising impacts on the landscape and the character and appearance of the area, in particular the designated countryside. The proposal is therefore contrary to policies CP1, CP3,</li> </ol> |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|              |                                                                                                              |
|--------------|--------------------------------------------------------------------------------------------------------------|
|              | CP9 and CP11 of the Core Strategy, policies CC01 and TB21 of the MDD, the Borough Design Guide and the NPPF. |
| <b>Date:</b> | <br><b>08.05.26</b>         |

## **APPENDIX A: Appropriate Assessment**

*The following Appropriate Assessment is provided for completeness only. Notwithstanding the mitigation framework described below, such measures cannot be secured or relied upon at the Permission in Principle stage, and therefore cannot alter the conclusion reached in the main report.*

| <b>The Conservation of Habitats and Species Regulations 2017</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Screening Assessment and Appropriate Assessment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.</p> <p><b><u>Summary of Response</u></b></p> <p>WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An</p> |

Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **1.5 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC's Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of **up to 9 dwellings with bedroom numbers not finalised at this stage** within 5km, the total SANG contribution for which cannot be calculated at this stage.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution which, again, cannot be calculated at this stage.

The total SPA related financial contribution for this proposal cannot be calculated at this stage. The applicant **must agree** to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

### **1. The Conservation of Habitats and Species Regulations (2017) as amended**

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

## **2. Stage 1 Screening for Likely Significant Effects**

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The potential adverse effects on the integrity of the SPA include recreational activities from inside the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **1.5 km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

## **3. Stage 2 Appropriate Assessment**

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. Developers will be required to secure an appropriate financial contribution for the provision of SANG and to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line

with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)  
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gose/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)  
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20MDD.pdf>
- Infrastructure Delivery and Contributions SPD (2011)  
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20Infrastructure%20De~nd%20Contributions%20SPD.pdf>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

b. SPA Avoidance and Mitigation Measures

**i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.**

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8

The development will result in a net increase of **up to 9 dwellings and the breakdown of numbers of bedrooms is not known at this stage, owing to being a Permission in principle (PiP) application.** Depending on the dwelling mix, the level of SANG payments are set out as follows:

| No. of bedrooms | SANG Contribution<br>5km | Aggregate SANG Contribution |
|-----------------|--------------------------|-----------------------------|
|-----------------|--------------------------|-----------------------------|

|                         |           |                              |
|-------------------------|-----------|------------------------------|
| 1 bedroom               | £1,567.98 | Unknown at this stage        |
| 2 bedrooms              | £2,049.59 | Unknown at this stage        |
| 3 bedrooms              | £2,690.93 | Unknown at this stage        |
| 4 bedrooms              | £3,546.86 | Unknown at this stage        |
| 5 bedrooms              | £4,240.62 | Unknown at this stage        |
| Total SANG Contribution |           | <b>Unknown at this stage</b> |

## ii. Strategic Access Management and Monitoring (SAMM) Contribution

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

From 1<sup>st</sup> April 2023 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA

The level of contributions are calculated on a per bedroom basis. The application for this development will result in a net increase of **up to 9 dwellings and the breakdown of numbers of bedrooms is not known at this stage, owing to being a Permission in principle (PiP) application.** Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

| No. of bedrooms         | SAMM Contribution 5km | Aggregate SAMM Contribution  |
|-------------------------|-----------------------|------------------------------|
| 1 bedroom               | £600.00               | Unknown at this stage        |
| 2 bedrooms              | £835.00               | Unknown at this stage        |
| 3 bedrooms              | £1,110.00             | Unknown at this stage        |
| 4 bedrooms              | £1,306.00             | Unknown at this stage        |
| 5+ bedrooms             | £1,492.00             | Unknown at this stage        |
| Total SAMM Contribution |                       | <b>Unknown at this stage</b> |

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

## 4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

If the applicant does not agree with the above mitigation and does not enter into a Section 106 Agreement to secure the measures, then the application must be refused.

**Date: 08.05.026**

**Signed:**

*BJC*